

CWP No. 25261 of 2014

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 25261 of 2014
Date of Decision: 29.07.2016**

SWINDER SINGH

..... Petitioner

VS.

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Gagandeep Singh, Advocate,
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest?*

KULDIP SINGH (J.)

The petitioner was appointed as Contingent Paid Cook on daily wages on 01.03.1971 in the office of the SSP, Amritsar (now Commissioner of Police, Amritsar). He worked there upto 04.08.1981 and thereafter from 05.08.1981 onwards, he was brought on the regular establishment vide order dated 10.08.1981 (*Annexure P-1*) and served as regular Cook. He ultimately retired on 31.03.2004. The short prayer of the petitioner is that the service rendered as daily wages should be counted as qualifying service for the purpose of grant of pension and other pensionary benefits.

On the other hand the State has not disputed that it has itself issued the instructions dated 26.10.1995 (*Annexure R-1*) wherein it was directed that the adhoc services of the employee be counted for pensionary benefits. Moreover, as per law settled by the Apex Court in **State of Punjab and others Vs. Hanbans Lal** whereby the Review Petition (C) No. 2038 of 2013 filed in Special Leave Petition (C) No. 23578 of 2012 was dismissed by

CWP No. 25261 of 2014

the Apex Court whereby the view of this Court was upheld that the daily wages service is to be counted towards qualifying service for the purpose of grant of pension and other pensionary benefits.

In view of the settled law, the writ petition is allowed directing the respondents to count daily wages service rendered by the petitioner w.e.f. 01.03.1971 to 04.08.1981 towards qualifying service for the purpose of grant of pensionary benefits and accordingly revised pension and other benefits be released to the petitioner within the period of three months from the date of passing of the judgement alongwith interest @ 9% per annum from the date the enhanced pension became due till its payment.

Accordingly, the writ petition is allowed.

July 29, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

Whether speaking / reasoned	✓ Yes / No
Whether Reportable	✓ Yes / No