

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.805 of 2013

Date of Decision:- 25.10.2016.

Bhura Singh

.....Appellant

Versus

Punjab State Power Corporation Ltd. and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mrs. Gurnam Kaur Turka, Advocate for the appellant.

Mr. Roshan Lal Sharma, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

- 1.) The appellant has assailed the Appellate Court order dated 24.8.2012.
- 2.) The appellant claims that he was appointed as a workcharge T-Mate during the period from 16.4.1976 to 28.4.1982. Thereafter, he was appointed as Assistant Lineman and retired from service while holding the post of Assistant Lineman. The respondents decline to count the service rendered by the petitioner as a workcharge employee for the period from 16.4.1976 to 28.4.1982 for the purpose of granting pension. Thus, the appellant filed a civil suit before the Trial Court seeking for a declaration. The Trial Court decreed the suit on 17.9.2011. The respondents feeling aggrieved by the order of the Trial Court dated 17.9.2011 preferred an appeal before the Appellate Court. On 24.8.2012, the appeal of the

respondents was allowed while reversing the decree passed by the Civil Court. Thus, the appellant is aggrieved by the order of the Appellate Court dated 24.8.2012. Hence, the present appeal.

3.) Learned counsel for the appellant vehemently contended that the appellant has worked as a workcharge employee during the period from 16.4.1976 to 28.4.1982. Therefore, the respondents cannot deny the benefit towards pension while counting the said service. The Trial Court appreciated the various factors and decreed the suit. On the other hand, the Appellate Court reversed the order of the Trial Court holding that in the absence of necessary material to show that the petitioner has worked as a workcharge employee during the period from 16.4.1976 to 28.4.1982, he is not entitled to count the service towards grant of pension.

4.) Learned counsel for the respondents contended that in the absence of necessary material to show that the petitioner has worked as a workcharge employee during the period from 16.4.1976 to 28.4.1982, the appellant is not entitled to count the said period towards grant of pension and other benefits.

5.) Heard learned counsel for the parties.

6.) Admittedly, no records are available to show that the appellant has worked as a work charge employee during the period from 16.4.1976 to 28.4.1982. At the same time, method of recruitment to the post of Assistant Lineman is work charge Lineman/T-Mate/regular T-Mate work charge working on the civil construction site with experience of seven years. Since the appellant was appointed as an Assistant Lineman on 28.4.1982 which indicates that the appellant has worked as a work charge employee for seven

been appointed as an Assistant Lineman. In view of these facts and circumstances, the respondents are directed to count seven years of service as a work charged employee for the purpose of grant of pension and pensionary benefits. Such a decision shall be taken by the respondents to disburse the arrears of pension and other consequential benefits along with interest @ 9% per annum within a period of four months from today. The Appellate Court order dated 28.4.2012 is set aside and the Trial Court order is modified.

7.) Appeal is allowed in part.

(P.B. BAJANTHRI)
JUDGE

October 25, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.