

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

**CWP No.9320 of 1999 (O&M)
Date of decision : February 21, 2017**

Mrs. Sita Banga

..... Petitioner

Versus

Punjab State Electricity Board and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Gupta, Advocate for the petitioner.

Ms. Monika Thakur, Advocate for the respondents.

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. (ORAL)

The petitioner was appointed as Social Studies Mistress in Guru Nanak Dev Thermal Plant Special School, Bhatinda on three months adhoc basis on 22.04.1975. Thereafter, with notional break of one day every time, she was re-appointed for three months till she was appointed on regular post of J.B.T. Teacher on 24.09.1980. The petitioner on attaining the age of superannuation, retired from service on 30.04.1997. The prayer is for computing the period of adhoc service i.e. from 22.04.1975 to 24.09.1980 rendered by the petitioner for the grant of retiral benefits.

In the reply, the respondents have not denied that the petitioner earlier worked as S.S. Mistress on temporary basis. The regular appointment of the petitioner as J.B.T. Teacher has also not been denied. The stand taken is that there were notional breaks and that the petitioner was appointed on adhoc basis, on which she had worked.

I have heard learned counsel for the parties and have also

carefully gone through the case file.

I am of the view that the service rendered by the petitioner as S.S. Mistress on adhoc basis with notional breaks of one day each was an appointment for three months each. Every notional break of one day continued under the same employer from 22.04.1975 to 24.09.1980. The notional breaks are to be ignored as the service was under the same employer. Therefore, the adhoc service rendered by the petitioner as S.S. Mistress should be computed as qualifying service for the purpose of pension and pensionary benefits.

As such, the present petition is allowed. The respondents are directed to compute the adhoc period of service of the petitioner from 22.04.1975 to 24.09.1980 as qualifying service for the purpose of pension and other benefits and accordingly, recalculate the same and release the same to the petitioner within three months from the date of receipt of certified copy of the order. The petitioner shall also be entitled to interest @ 9% per annum on the delayed payment of arrears starting from the date it became due and till its payment.

(KULDIP SINGH)
JUDGE

February 21, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No