

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

CWP No. 15338 of 2013 (O&M)  
Date of decision : May 18, 2017

Harbans Kaur,

..... Petitioner

v.

U.T Administration Chandigarh and others,

..... Respondents

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. SS Rana, Advocate  
for the petitioner.

Mr. Suvir Sehgal, Sr. Standing Counsel for  
U.T Chandigarh.

Ms. Alka Chatrath, Advocate  
for respondents No.2 to 4.

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**Ajay Tewari, J (Oral)**

By this writ petition, the petitioner has claimed that she should be deemed to have worked on regular basis from the date of her initial appointment i.e 8.6.1993 till the date of her retirement i.e 31.3.2012.

It may be mentioned that it is not disputed that during her service, she was granted pay and allowances of her regular post and consequently, the dispute which remains is only for the grant of superannuation benefits.

Brief facts are that husband of the petitioner was a regular employee in the Chandigarh Administration who unfortunately died during service in the year 1991. In his place, the petitioner was given appointment

on compassionate ground. In 1996, she was transferred to Municipal Corporation, Chandigarh where she continued to work till 31.3.2012 on which date she attained the age of superannuation. It was only thereafter that she was disclosed that she had infact borne on the work charge cadre and consequently her retiral benefits were fixed and paid on that basis. The claim of the petitioner is that once her husband was a regular employee and she was given compassionate appointment on his death, then she could not have been appointed on work charge basis and could be appointed only on regular basis.

Counsel for respondents No. 2 to 4 has accepted this proposition of law but has pointed out that the petitioner never raised this claim during the period of more than two decades that she was in service. To this, counsel for the petitioner has replied by stating that the petitioner is an illiterate lady and was appointed on compassionate ground and was given regular pay scale and allowances and had no reason to believe that her appointment was on work charge basis.

In any case, this issue may not have too much relevance in the present scenario because the petitioner is only claiming her retiral benefits. As regards this claim, this petition which was filed within one and half year of her retirement cannot be taken to be belated on any ground. In this view of the matter, the action of the respondents in treating her on work charge basis is set aside and it is directed that the petitioner would be treated as a regular employee from the date of her appointment. All benefits which would have been admissible to her would be worked out on notional basis and the actual benefits would be granted to her only for the purpose of superannuation on the basis that she is a regular employee. Let necessary

exercise to fix the amount and make the payment be carried out within four months from the receipt of a certified copy of this order failing which the petitioner would be entitled to claim interest @ 8% p.a on the due amount/s from the date/s the same fell due.

This petition stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

May 18, 2017  
'kk'

( AJAY TEWARI )  
JUDGE

**Whether speaking/reasoned:**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**