

**CM-2124-LPA-2017 in/and
LPA No.991 of 2017 (O&M)**

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

**CM-2124-LPA-2017 in/and
LPA No.991 of 2017 (O&M)
Date of Decision: June 02, 2017**

Punjab State Power Corporation Limited & others

.....Appellants

Versus

Dhan Prasad Sapkota

.....Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE HARI PAL VERMA**

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Ms.Geeta Sharma, Advocate
for the appellants.

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SURYA KANT, J.

CM-2124-LPA-2017

For the reasons mentioned in the application, the same is
allowed and delay of 35 days in filing the appeal is condoned.

CM stands disposed of.

LPA-991-2017

The Instant Letters Patent Appeal is directed against the order
dated 23.01.2017 whereby learned Single Judge allowed the writ petition
and has held the respondent entitled to pension and other retiral benefits
after counting his work-charge service of 7 years, 9 months, and 22 days
towards 'qualifying service'.

[2] We have heard learned counsel for the appellant at a
considerable length and gone through the record.

[3] The facts are not in dispute. The respondent joined the appellant-Punjab State Power Corporation Limited as a daily wager on 09.10.1982. He was thereafter engaged on work-charge basis on 14.08.1986. He continued to work in that capacity till his services were regularised on 29.06.1994, namely, for 7 years, 9 months and 22 days. The respondent applied for 'voluntary retirement' and his request was allowed vide order dated 12.06.2012 on the assumption that he had completed the requisite qualifying service of 20 years. However, pension was denied to him on the ground that he had rendered regular service of 13 years, 11 months and 9 days only , which was less than 20 years of service or 50 years of age. The aggrieved respondent approached this Court.

[4] In our considered view, the learned Single Judge has rightly held that the respondent is entitled to the benefit of work-charge service towards 'qualifying service' for the purpose of pension and other retiral benefits. Such a view was taken by a Full Bench of this Court way back in **Kesar Chand vs State of Punjab**, AIR 1998 P&H 265, laying down that work-charge service followed by regularisation has to be counted towards qualifying service for retiral benefits.

[5] We, thus, do not find any merit in this appeal, which is accordingly dismissed.

(SURYA KANT)
JUDGE

June 02, 2017

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(HARI PAL VERMA)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No