

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

223

RSA-566-2016 (O&M)
Decided of decision : 28.11.2017

PUNJAB STATE AND OTHERS

...APPELLANTS

VS

AMAR SINGH

....RESPONDENT

CORAM: HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. H.S.Sitta, AAG, Punjab
for the appellants.

Mr. Manish Prabhaker, Advocate
for the respondent.

AJAY TEWARI, J.(Oral)

This appeal has been filed against the judgment of the lower Appellate Court reversing that of the trial Court and thereby decreeing the suit filed by the respondent.

The respondent was employed as a temporary work charge employee and worked from 1.3.1974 to 3.9.1980, when he was retrenched. He was again appointed on work charge basis w.e.f. 1.4.1981 and, subsequently regularized. After his retirement he raised the claim that his previous service from 1.3.1974 to 3.9.1980 be counted for pensionary benefits and filed the instant civil suit. The lower Appellate Court has placed reliance upon “Kesar Chand vs. State of Punjab through the Secretary, P.W.D.B & R.Chandigarh and others 1988 (5) SLR 27” and ordered that his work charge services has to be counted for computing his pension. Learned Assistant Advocate General has argued that only that work charge service has to be counted which is followed by the regularization and that is why in the present case the entire

service of the respondent with effect from 1.4.1981 has been counted for pension. Learned counsel for the respondent points out that this identical proposition originally came before the Court in *RSA-837-2015* titled as *Punjab State and others vs. Karnail Singh* decided on 12.03.2015 the appeal of the State was rejected. This judgment was followed in subsequent judgment of RSA No.3424-2014 titled as *Punjab State Through its Secretary Irrigation Department Chandigarh and others vs. Piara Lal* decided on 3.12.2015 wherein this Court placed reliance on previous case *Punjab State and others vs. Karnail Singh* decided on 12.3.2015 in RSA No. 837-2015. As per these judgments this period would have to be counted for computing his superannuation benefits. Learned Assistant Advocate General has not denied that the position in the present case is the same but states that another RSA No. 647-2015 wherein this issue arises has been admitted by this Court.

In my considered opinion, the final judgment would have more precedential effect than the mere admission of a case. In the circumstances, the present appeal is dismissed in the same terms as the aforementioned appeals in the cases of *Punjab State vs. Karnail Singh* (supra) and *Punjab State vs. Piara Lal* (supra).

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

28.11.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No