

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

CWP No.23540 of 2016.

Date of Decision : 12.10.2018.

Mulkh Raj

....Petitioner.

Versus

Punjab State Power Corporation Limited and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present Mr. S.K. Rattan, Advocate, for the petitioner.

Ms. Pratula Sethi, Advocate, for the respondents.

SHEKHER DHAWAN, J.

Present writ petition under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents to grant pension and other pensionary benefits by counting daily wages/Work Charge service w.e.f. 01.07.1980 to 28.06.1994 alongwith the regular service w.e.f. 29.06.1994 to 31.12.2015 i.e. 21 years and 6 months.

2. The respondents have taken the stand, on the basis of reply having been filed in this case, that if an employee wants to get his services regularized, in that case he would have to deposit the amount withdrawn by him from EPF with interest, but since the petitioner had not deposited his EPF amount with interest, he has not been granted the pensionary benefits of his work charge period.

3. Learned counsel for the petitioner contended that as per view taken by a co-ordinate Bench of this Court in CWP No.9746 of 2015—Gurpal Singh vs. Punjab State Power Corporation Ltd. and others, decided on 15.11.2016, even if the petitioner has filed some affidavit, the same is liable to be ignored and if the petitioner is entitled for counting of work charge service followed by regular service for the purpose of grant of all the pensionary benefits. He has submitted that in that case, the co-ordinate Bench has held that the pension benefits shall accordingly be calculated and released to the petitioner, who is required to deposit EPF for the work charge period within two months from the date of passing of the judgment and within three months thereafter the respondents shall pass an order of computing the work-charge service towards pensionary benefits and release the same. Identical view was taken by co-ordinate Bench of this Court in CWP No.18088 of 2018—Darshan Lal vs. Punjab State Power Corporation Limited and others, decided on 24.07.2018.

4. In view of the above, the present writ petition is allowed in terms of order dated 15.11.2016 passed by co-ordinate Bench of this Court in CWP No.9746 of 2015—Gurpal Singh vs. Punjab State Power Corporation Ltd. and others and the petitioner is directed to deposit EPF for the work charge period within two months from the date of passing of the judgment and within three months thereafter the respondents shall pass an order of computing the work-charge service towards pensionary benefits and release the same.

(SHEKHER DHAWAN)
JUDGE

12.10.2018

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