

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

(1) CWP No.9462 of 2014
Date of decision:16.09.2019

Sube Singh & Ors. ...Petitioners

Versus

HVPNL and others ...Respondents

(2) CWP No. 20788 of 2016

Shamsher Singh ... Petitioner

Versus

HVPNL and others ...Respondents.

(3) CWP No. 26197 of 2016

Sanjay Kumar ...Petitioner

Versus

HVPNL and others ...Respondents

(4) CWP No. 26198 of 2016

Ram Juari ...Petitioner

Versus

HVPNL and others ...Respondents

(5) CWP No. 26199 of 2016

Sewa Dass ... Petitioner

Versus

HVPNL and others ...Respondents

(6) CWP No. 26200 of 2016

Mohinder Singh ...Petitioner

Versus

HVPNL and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.K. Goel, Advocate with
Mr. Shvetanshu Goel, Advocate for the petitioner(s).

Mr. Suvir Sehgal, Advocate
for the respondents in CWP No. 9462 of 2014.

Mr. Pankaj Kundra, Advocate for
Mr. Deepak Sabherwal, Advocate
for the respondents in CWP Nos. 20788, 26197, 26198, 26199 and
26200 of 2016.

HARSIMRAN SINGH SETHI, J. (ORAL)

By this common order, the above mentioned six writ petitions which involve the same question of law and similar facts are being decided. For the purpose of this order, the facts from CWP No.9462 of 2014 are being taken.

In this writ petition, the question which is being posed before this Court by the petitioners is as to whether, the part time service rendered for a sufficient long time, can be taken into account as a qualifying service for computing the pensionary benefits or not.

Counsel for the petitioners argues that this question had already come for consideration before this Court more than once. Counsel for the petitioners states that a Co-ordinate Bench of this Court while deciding **CWP No.626 of 2015 titled Zile Singh Vs. State of Haryana and others** decided on 17.03.2015 categorically held that the part time service rendered by the sweepers is entitled to be counted as qualifying service for grant of pensionary benefits and while deciding the said writ petition titled **Zile Singh (supra)**, Coordinate Bench held that keeping in view the judgment rendered by the Full bench of this Court in **Kesar Chand Vs. State of Punjab**, the service rendered even on part time basis, is entitled to be counted as a qualifying service.

Against the said judgment, State preferred an appeal being **LPA No.426 of 2016** which was dismissed on 18.03.2016.

Learned counsel appearing for the petitioners states that even the

SLP filed by the State of Haryana against the said order already stands dismissed and the order passed by this Court in Zile Singh's case (supra) has already attained finality.

Counsel for the petitioner further submits that this Court again, while deciding CWP No.1048 of 2016 titled Jai Bhagwan Vs. State of Haryana and others, decided on 01.03.2019, held that the part time service rendered for a sufficient long time by an employee will be entitled to be counted as qualifying service for grant of pensionary benefits. While passing the order in Jai Bhagwan's case (supra), this Court relied upon the judgment in Zile Singh's case (supra). Counsel for the petitioners states that the judgment in Jai Bhagwan's case (supra) has also attained finality as the same was never challenged before the division bench.

Counsel for the respondents very fairly states that the claim of the petitioners in the present writ petition is identical to that of Zile Singh's case (supra) and Jai Bhagwan's case (supra), which have been allowed by this Court and have attained finality, as discussed earlier.

Counsel for the petitioner prays that all the writ petitions be disposed of in terms of the order passed by this Court in Jai Bhagwan's case(supra). Learned counsel appearing on behalf of the respondents does not raise any objection to the said prayer.

In view of the above, all the writ petitions are allowed in same terms as Jai Bhagwan's case (supra).

16.09.2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No