

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP No. 16591 of 2013(O&M)
Date of Decision: February 5, 2020

Karnail Singh

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Tribhawan Singla, Advocate
for the petitioner.

Ms. Monika Chhibbar Sharma, Senior DAG., Punjab.

AUGUSTINE GEORGE MASIH, J.(Oral)

Prayer in this writ petition is for issuance of writ of mandamus directing the respondent-authorities to count his work charge service period w.e.f. 1.6.1983 to 30.6.1992 by condoning 34 days break as leave without pay for the purpose of grant of annual increments and for further counting the said service towards the grant of pensionary benefits.

The objection as has been raised by the counsel for the respondent is with regard to the fact that the service which has been rendered by the petitioner was not on work charge basis but on work authority Duty as per rules 1.1 and 1.2 of Punjab PWD Specifications (Annexure R-II) and under rule 8.1 to 8.2 of Punjab B&R Manual of Order (Annexure R-III). Distinction as is sought to be drawn by the respondents is artificial and appears to be with an intention to deny the petitioner the benefit of service of work charge which he had rendered with the respondents by changing the nomenclature of the service rendered by him.

Considering the claim of the petitioner for the grant of increments for the period he had served with the respondents on work charge basis the said benefit is not acceptable as it is not supported by any of the instructions issued by the Government of Punjab nor the statutory rules. However, with regard to counting of work charge service for the purpose of pensionary benefits, the law in this regard, has been settled by various judgments which have been passed by this Court and as well as by Hon'ble the Supreme Court.

Even the instructions which have been issued by the department in pursuance to the judgment passed by the Supreme Court clearly entitle an employee for counting of the said service for the purpose of pensionary benefits.

In view of the above, the writ petition is partly allowed. Work charge service rendered by the petitioner with effect from 1.6.1983 to 30.6.1992 shall be taken into consideration for the grant of pensionary benefits to the petitioner.

The pension of the petitioner as also other retiral benefits be again assessed by counting the work charge service rendered by the petitioner as mentioned above and the monetary benefits be released to him within a period of two months from today.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 5, 2020
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No