

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

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CWP-1616-2017

Date of Decision : February 10, 2020

RAJ KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND ORS.

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Shalender Mohan, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Padamkant Dwivedi, Advocate
for respondents No. 2 to 5.

NIRMALJIT KAUR, J. (Oral)

The prayer in the present petition is for setting aside the order dated 6.1.2017 vide which the claim of the petitioner for counting of adhoc service for the purpose of pensionary benefits, ACP, gratuity etc. have been denied.

At the outset, learned counsel for the petitioner restricts his claim qua the counting of the adhoc service towards pensionary benefits only.

Admittedly, the petitioner was appointed on temporary/adhoc basis in the respondent-Corporation where he joined on 8.4.1981. Thereafter his services were regularised vide order dated 24.2.1994 w.e.f. 1.4.1993 on the ground that the petitioner had completed five years of service on 1.4.1993. However, while denying the relief of counting his service from 8.4.1981 uptill 1.4.1993, it is submitted that the same was temporary service and, therefore, cannot be counted towards pension.

However, no rules or regulation denying the temporary services for counting the same towards pension has been brought to the notice of this Court. Infact, the issue is no more res-integra as per various judgments rendered by this Court as well as the judgment rendered by the Full Bench of this Court in the case of Kesar Chand Vs. State of Punjab and ors, AIR 1988 P&H 265(FB) wherein the services of adhoc/temporary work charge daily wager should be counted for the purpose of pension in case an employee is regularised subsequently on the said post.

In the present case, it is evident from the order dated 24.2.1994 itself that the petitioner had joined the Corporation on 8.4.1981. It is also admitted that he was regularised w.e.f. 1.4.1993 after he had completed five years of service. Thus, there is nothing to dispute that the petitioner had served from 8.4.1981 uptill 1.4.1993.

In view of the same, the writ petition is allowed and the respondents are directed to refix his pension after counting the period from 8.4.1981 uptill 1.4.1993 on temporary/adhoc towards pensionary benefits towards qualifying service for pension.

Needful shall be done within three months from the date of receipt of certified copy of this order. Thereafter, the arrears shall be calculated and paid to the petitioner from the date of his retirement alongwith 6% interest within three months from the date of receipt of certified copy of this order.

February 10, 2020
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No