

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-20701 of 2016

Date of decision: 12.02.2020

Sudesh Kumari through LRs

.... Petitioners

versus

State of Punjab and others

... Respondents

**CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Raman Sharma, Advocate  
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G. Punjab.

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**HARSIMRAN SINGH SETHI, J.**

The grievance raised by the petitioner in the present writ petition is that the services which Sh. Harbans Lal rendered on work charge basis from 23.12.1974 till 30.06.1989 has not been taken into account as qualifying service for computing his pensionary benefits. Learned counsel for the petitioner argues that as per the settled principles of law settled by Full Bench of this Court in **Kesar Chand vs. State of Punjab, 1988 (2) PLR 223**, the daily wage service rendered prior to the regularisation of the service is liable to be taken into account as qualifying service for computing pensionary benefits.

Learned counsel for the respondents raises no objection qua the settled principles of law that the daily wage service rendered by an employee prior to his regularisation is to be taken into account as qualifying

service but has raised an objection that the said benefit can only be extended in case an employee deposits EPF amount for the period of the said daily wage service alongwith interest.

Learned counsel for the petitioner states that the petitioner is ready to deposit the EPF amount for the period from 23.12.1974 till 30.06.1989 alongwith statutory interest in case respondents will grant the benefit of total length of service including the work charge basis service as qualifying service for computing pensionary benefits in respect of the service rendered by Sh. Harbans Lal.

Keeping in view the above stated facts there is no dispute between the parties that in case petitioner deposits EPF amount for the period from 23.12.1974 till 30.06.1989 alongwith statutory interest, then total length of work charge basis service rendered by Harbans Lal from 23.12.1974 till 30.06.1989 will be taken into account as qualifying service for computing pensionary benefits.

As the learned counsel for the petitioner is ready to deposit the said contribution alongwith statutory interest, respondents are directed to calculate the amount, which is to be deposited by the petitioner i.e. EPF with interest for the period from 23.12.1974 till 30.06.1989 and to inform the petitioner about the total amount to be deposited. On deposition of the amount demanded by the respondents, total length of service rendered by Harbans Lal from 23.12.1974 till 31.08.2001 (subject to maximum benefit of 33 years of service) be treated as qualifying service and the pensionary benefits, for which, Sh. Harbans Lal is entitled will be recalculated by the respondents and the arrears, for which, the legal heirs of Sh. Harbans Lal

will become entitle (as unfortunately Harbans Lal and his wife-petitioner herein, have already died) will be paid to them within a period of three months from the date of deposition of the amount of EPF with interest by the petitioner.

The writ petition stands disposed of in above terms.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

12.02.2020.

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|----|--------------------------------|--------|
| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable?            | Yes/No |