

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

213

CWP-22141-2016

Date of Decision : 05.02.2020

Lekh Ram

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr.Ranjit Saini, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl.A.G., Haryana.

NIRMALJIT KAUR, J. (ORAL)

The prayer in the present petition is for counting the service on adhoc/daily wages in addition to regular service rendered by the petitioner towards grant of pension alongwith arrears of pension w.e.f. the date of retirement till the date of actual payment alongwith interest.

Reply has been filed. As per the said reply, the petitioner is not entitled for pension as his regular service was w.e.f. 31.03.1993 to 30.11.1998 which comes to only 5 years, 7 months and 29 days which is less than minimum length of 10 years service required for pension. However, it is not disputed that the petitioner had earlier filed a writ petition i.e. CWP No.3691 of 1997 for regularisation of his service. The said writ petition was allowed with a direction to respondent No.3 to reconsider the case of the petitioner for regularisation, keeping in mind the policies dated 27.05.1993 and 18.03.1994. In pursuance to the said order, respondent No.3 passed an order on 14.05.2014 placed on record as Annexure P-4 by

observing that the petitioner had completed 5 years of service on 31.03.1993 and keeping in view the same, the petitioner was eligible for regularisation of service w.e.f. 31.03.1993. Thus, it is evident that the petitioner had completed 5 years of service on 31.03.1993 and thereafter another 5 years from 31.03.1993 to 30.11.1998. Hence, he had completed more than 10 years of service required for pension.

In view of the above, the present writ petition is allowed with a direction to count the service of the petitioner on adhoc/daily wages prior to the year 1993 and thereafter, grant of pension. The arrears of pension shall be paid from the date of retirement till the date of actual payment within a period of two months from the date of receipt of the certified copy of this order along with 6% interest. In case, the said arrears are not paid within two months, then the said arrears shall be paid @ 12% interest after the expiry of two months.

05.02.2020
anju

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No