

CWP No.22962 of 2016
Date of Decision: 24.02.2020

Hawa Singh

.....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Ram Niwas Sharma, Advocate
for the petitioner.Ms. Anupama Sharma, Advocate
for the respondents.**NIRMALJIT KAUR, J. (ORAL)**

The prayer in the present petition to count the service of the petitioner from 03.03.1981 to 11.05.1993 while he worked as a daily wager towards pension and pensionary benefits.

Admittedly, the petitioner was regularized w.e.f. 12.05.1993 as Work-mate in the respondent/department. It is also not disputed that the petitioner was paid the gratuity and commutation and the arrears too were released. However, his service period from 03.03.1981 to 11.05.1993 have not been taken into consideration on the ground that there was a break in daily wages service from December 1986 to December, 1991.

Reply has been filed. As per the said reply, the service paid from contingencies should have been continuous and followed by absorption employment without any break in daily wages service in view of the instructions dated 18.04.2018, placed on record as Annexure R-1. At the same time, the respondents have also quoted Rule 3.17-A of the Punjab Civil Service Rules as applicable to Haryana, which specifically states that

omitted while working out aggregate service in case it is followed by confirmation and regular service. Rule 3.17-A (a) of the Punjab Civil Service Rules reads as under:-

“(a) All service interrupted or continuous followed by confirmation shall be treated as qualifying service, the period of break shall be omitted while working out aggregate service.”

In view of the said rule, which speaks itself, there is no reason as to why the service of the petitioner as a daily wager from 03.03.1981 to 11.05.1993 should not be counted towards pension and pensionary benefits except the period from December 1986 to December 1991 when there was a break in service especially taking in account that the same was followed by regular service on 12.05.1993.

In view of the above, the present writ petition is allowed and the respondents are directed to count the service of the petitioner from 03.03.1981 to 11.05.1993 accepting the period from December 1986 to December 1991, which is the break period, towards pension and pensionary benefits.

24.02.2020
sandeep

(NIRMALJIT KAUR)
JUDGE

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