

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

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CWP-20737-2017

Date of Decision : February 11, 2020

SAROOP SINGH

.....Petitioner

VERSUS

HVPNL AND ORS.

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Vikas Chatrath, Advocate
for the petitioner.

Mr. Randhir Bawa, Advocate for
Mr. R.D.Bawa, Advocate
for the respondents.

NIRMALJIT KAUR, J. (Oral)

The prayer in the present petition is for counting the work charged service/contract service following by regular service for the purposes of increments and pensionary benefits in view of the service conditions, instructions, and Punjab Civil Services Rules as adopted by the respondent-Nigam.

It is not disputed that the issue involved is no more res-integra in view of the judgments rendered by the Hon'ble Apex Court as well as in the cases of **State of Haryana Vs. Kesho Ram and others** as well as **Dakshin Haryana Bijli Vitran Nigam and others Vs. Bachan Singh**, 2009(14) SCC 793 wherein it was specifically held that the work charge service has to be counted towards pension and pensionary benefits in case the said service finally culminates into regular service. The objection that the employee failed to exercise option within the time

period too was rejected by holding that the same was unreasonable and irrational. The Department cannot impose such a condition unless they are able to show that the said employee was personally informed about any such instructions of his exercising the same within the stipulated period or that the said instructions were in his knowledge.

Learned counsel for the respondents too has placed on record the order dated 3.10.2019 by counting the service as qualifying service from 19.5.1978 to 26.9.1992 towards the pension and pensionary benefits.

In view of the admitted position, the writ petition is allowed. The revised pension and the retiral benefits accruing out of the same be accordingly released to the petitioner as expeditiously as preferably within three months from today.

February 11, 2020
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(NIRMALJIT KAUR)
JUDGE

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