

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

CWP No.20332 of 2018
Date of Decision: 11.2.2020

Bhani Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Sandeep Singal, Advocate, for the petitioner.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

NIRMALJIT KAUR, J. (Oral)

The present petition is filed to release the pension and other retiral benefits of the petitioner from the deemed date of her retirement i.e. 30.9.2014 alongwith interest with a further prayer to count her past service rendered on daily wages towards pension and retiral benefits.

After filing of the present writ petition, the respondents have released the retiral benefits in December, 2018 and thereafter, leave encashment on 11.1.2019. Thus, two issues remain. Firstly qua counting of service of the petitioner on daily wages from 10.9.1990 to 31.1.1996 as qualifying service towards pension. Secondly, qua the interest on account of delayed payment of pension.

It is not disputed that the petitioner rendered service as daily wager from 10.9.1990 to 31.1.1996 till she was regularised w.e.f. 1.2.1996. The issue is no more res integra in view of the judgment of this Court rendered in the case of Kesar Chand vs. State of Punjab and others, AIR 1988 P&H 265 (FB) and various other judgments passed by this Court as

well as by the Hon'ble Apex Court holding therein that once a person is regularised on the post after taking into his past service whether as daily wager or contractual or ad hoc, the same has to be counted as qualifying service towards pension.

In view of the same, the present writ is allowed. The respondents are directed to count the past service of the petitioner rendered as daily wager for the period i.e. from 10.9.1990 to 31.1.1996 as qualifying service towards pension and thereafter, the arrears to be released forthwith.

However, no order has been passed by the respondents with respect to the interest. The petitioner retired on 30.9.2014 but her pension was released on December 2018 and thereafter, leave encashment released on 11.1.2019. As per the reply, the respondents had not submitted her pension papers on time and therefore, the pension could not be processed.

Accordingly, the petitioner shall file a representation alongwith the proof that the documents having been submitted on time, which the respondents shall consider in accordance with law and take a final decision within two months from the receipt of the said representation. In case, the petitioner is found entitled to the interest for the delayed payment, the same shall be released within one month of the said decision, otherwise a speaking order shall be passed to enable to petitioner to challenge the same in accordance with law.

(NIRMALJIT KAUR)
JUDGE

11.2.2020
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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No