

CWP No.7683 of 2017
Date of Decision: 04.03.2020

Om Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. N.S. Behgal, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Kamal Chaudhary, Advocate for
Mr. C.S. Bakshi, Advocate
for respondent Nos.2 to 5.**NIRMALJIT KAUR, J. (ORAL)**

The prayer in the present petition is for directing the respondents to count the service of the petitioner as daily wager from 1979 to 23.06.1987 and work charge period from 24.06.1987 to 26.08.1990 towards qualifying service for pension, with a further prayer to grant Ist ACP, for which, he becomes entitled in the year 1990.

Reply on behalf of respondent Nos.2 to 5 has been filed. As per the said reply, counting the service as daily wager as well as the work charge period has not been denied. It is also not disputed that the petitioner is entitled to count the same towards pensionary benefits. However, the only objection appears to be towards grant of Ist ACP. As per Rule 5 of Assured Career Progression Scheme, 1998, the same is admissible after completion of 10 years of regular satisfactory service and since the petitioner was regularized only on 19.05.1993 and he stood promoted as ALM in its pay scale on 08.05.2002 and retired from service on 30.11.2008, he was not

entitled to the benefit of Ist ACP.

The issue with respect to counting the service as daily wager and work charge is no more res-integra in view of the judgment rendered by Full Bench of this Court in the case of Kesar Chand Vs. State of Punjab and others, AIR 1988 P&H 265(FB), wherein, the services of adhoc/temporary work charge daily wager are to be counted for the purpose of pension in case an employee is regularized subsequently on the said post.

Accordingly, the present writ petition is partly allowed. The respondents are directed to count the service of the petitioner as daily wagers from 1979 to 23.06.1987 and work charge period from 24.06.1987 to 26.08.1990 as qualifying service towards pension and pay the arrears of pension after re-fixing, within two months alongwith interest @ 6% from the date it was due till actual payment.

No replication has been filed denying the objection of respondents qua the grant of Ist ACP mentioned in the written statement. Accordingly, the second prayer with respect to grant of Ist ACP is rejected.

Partly allowed as above.

04.03.2020
sandeep

(NIRMALJIT KAUR)
JUDGE

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