

**CM No. 6797-CWP-2022 in/and  
CWP No. 14218 of 2017**

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

**(106+232)**

**CM No. 6797-CWP-2022 in/and  
CWP No. 14218 of 2017  
Date of Decision : 12.09.2022**

**Ishwar Dass**

**...Petitioner**

**Versus**

**The Managing Director, Uttar Haryana Bijli Vitran Nigam Limited and  
others**

**...Respondents**

***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Jai Singh Yadav, Advocate for the petitioner.

Mr. Sandeep Singh Mann, Addl. A.G., Haryana.

Mr. Nitin Kaushal, Advocate and

Mr. Saurabh Chawla, Advocate for respondents No. 3 and 4.

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**Harsimran Singh Sethi J. (Oral)**

**CM No. 6797-CWP-2022**

Present application has been filed for placing on record affidavit of Pardeep Kumar, Executive Engineer (OP), Division, UHBVNL, Jhajja along with Annexures.

Application is allowed and aforementioned affidavit along with Annexures is taken on record.

**CWP No. 14218 of 2017**

In the present petition, the grievance of the petitioner is that the work-charge service rendered by him prior to the date on which his services

were regularized, has not been taken into account as a qualifying service for computing the pensionary benefits.

After notice of motion, the respondents themselves re-considered the claim of the petitioner and found that the petitioner was entitled for the benefit as being claimed by him keeping in view the rule governing the service as well as the settled principle of law and in the reply filed by the respondents, it has been mentioned that the relief as being claimed by the petitioner for the grant of benefit of daily wage service, as a qualifying service, will be extended to the petitioner subject to the contribution which is required to be paid by the petitioner, is paid along with interest.

Learned counsel for the petitioner submits that the petitioner has no objection with regard to the deposit of the said contribution along with interest but prays that as, the respondents are to re-consider the claim of the petitioner, according to which, the petitioner will be entitled for the arrears, the said contribution along with interest, which is required to be paid by the petitioner, be deducted by the respondents at their own level from the said arrears of pensionary benefits and pending arrears be paid to the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, the question with regard to the grant of benefit of the daily wage service towards the pensionary benefits by treating the same as a qualifying service, is not in dispute. The only dispute is whether, the petitioner should pay the contribution along with interest for

the period it was not deducted first and then get benefit or the respondents can deduct the contribution of the petitioner as well as interest from the arrears itself and then pay the pending amount of arrears to the petitioner.

The petitioner is a retired employee and might not have that kind of resources to give his share of contribution in one go along with interest but as, the petitioner will be entitled for the arrears on re-computation of his pensionary benefits, the contribution, which the petitioner is to deposit along with interest, can be deducted by the respondents at their own level and extend the remaining arrears to the petitioner. This will satisfy the claim of the petitioner as well as the demand of the respondents.

Keeping in view the undertaking given by learned counsel for the petitioner, let the respondents re-compute the pensionary benefits of the petitioner by giving him the benefit of daily wage service rendered by him and considering it as qualifying service and calculate the arrears for which he is entitled for and out of the said arrears, the contribution which the petitioner is liable to pay along with interest, be deducted by the respondents before making the payment of the said arrears.

The second grievance, which the petitioner raises is that vide order dated 24.01.2018 (Annexure R-2), the petitioner has also been extended the concession of first ACP from the year 2007 i.e. after 11 years of the entitlement of the petitioner but, the consequential benefits of the said order has not been extended and the petitioner has not been paid the arrears by re-fixing his salary from the year 2007. Learned counsel for the petitioner further submits that non-grant of the said benefit will also cause

prejudice to the petitioner while calculating his pensionary benefits and hence, the respondents be directed to grant the petitioner the actual benefits in pursuance to the order dated 24.01.2018 (Annexure R-2) extending the petitioner the benefit of first ACP from the year 2007 as well along with arrears.

Learned counsel for the respondents submits that once an order has already been passed in the year 2018, there is no reason that the same has not been implemented so far and in case, the order dated 24.01.2018 has not been implemented so far with regard to the grant of consequential benefits to the petitioner, the same will be done expeditiously and the said order will be taken into account while fixing the revised pension of the petitioner as well. Learned counsel submits that in respect of the arrears which are to be granted to the petitioner in respect of the grant of first ACP with retrospective effect, the same will also be extended to the petitioner in accordance with law within a period of two months.

Keeping in view the above, the petitioner is held entitled for the relief as detailed hereinbefore, which order be complied with within a period of two months of the receipt of this order.

Petition is allowed in above terms.

**September 12, 2022**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

√  
*Whether speaking/reasoned : Yes/No*  
√  
*Whether reportable : Yes/No*