

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1113 of 1995(O&M)

Date of Order: 06.12.2023

State of Punjab and others

.Appellants

Versus

Bant Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Arora, AAG, Punjab
None for the respondent.

ANIL KSHETARPAL, J

1. This appeal has come up for hearing after a period of 28 years.

The respondent is also not represented.

2. Originally, the plaintiff claimed that his service as a work charge employee from 1959 to 1966, was required to be counted for the purpose of calculating the retrial benefits because he continued to serve in the department upto the date of his retirement i.e. 31.01.1990.

3. The State of Punjab did not dispute the liability, however, claimed that the aforesaid payment became due only after issuance of notification on 11.03.1992 and therefore direction to pay the interest is illegal.

4. Irrespective of the notification issued by the State, it is well settled that in view of the judgment passed in Kesar Chand vs. State of Punjab and others, AIR 1988 Punjab 265, if the service of a work charge employee is subsequently regularised or is absorbed in regular service then for the purpose of retrial benefits the period spent as a work charge employee shall be counted. Moreover, the respondent retired from service

on 31.01.1990. It has been 33 years.

- 5. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
- 6. Dismissed.
- 7. All the pending miscellaneous applications, if any, are also disposed of.

December 06, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO