

2023:PHHC:039948

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

**CWP-16122-2020 (O&M)
Date of decision : 15.03.2023**

Dina Nath

..... Petitioner

versus

Punjab State Power Corporation and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rimple Saini, Advocate
for the petitioner.

Ms. Anu Chatrath, Senior Advocate with
Ms. Sandeep Kaur, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

Claim raised by the petitioner in the present writ petition relates to counting of work charge service towards pensionary benefits in the light of judgment rendered by Coordinate Bench in CWP-11250-2013 titled as Joginder Singh vs. PSPCL, decided on 03.02.2016.

2. Learned Senior counsel submits that the petitioner was required to approach the respondent-Corporation at least two years before his retirement and was required to deposit lump sum amount as per the regulations which he has failed to do. She refers to para Nos.7 and 8 of the written statement which read as under:-

“7. That it is pertinent to mention that as per instructions issued by the Punjab State Electricity Board (now PSPCL), an employee who wants to get his service rendered on work charged period counted for the grant of pensionary benefits he has to approach the Department at least two years before his retirement.

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However, the petitioner had never submitted any representation except representation dated 26.08.2020 (P-6) received in the office of PSPCL on 03.09.2020 for getting his work charged service counted nor he has apprised the concerned office regarding the deduction of EPF share during his previous period and the amount of interest accrued thereon, in writing.

8. That it is matter of record that the PSPCL had issued instructions dated 28.05.2019 followed by instructions dated 09.08.2021 when it has been stated that in the case of employees who had worked on work charged basis prior to 01.01.2004 and want to get benefit of service as work charged, amount of interest has to be recovered from the next month from the date of withdrawal of employer share till the deposit of amount in the PSPCL, but noticing the problem being faced by such employees in depositing the amount of recovery in lump-sum, a decision was taken vide this instructions, to the effect that they will be bound to deposit the amount of employer share including amount of interest in PSPCL account and such amount will be calculated by concerned office and will be deducted from the admissible pensionary benefits of the employees. However, an affidavit attested by the Executive Magistrate will have to be submitted by the employee. Copies of the said instructions dated 28.05.2019 and 09.08.2021 are annexed as Annexure R-1/I and R-1/II respectively.”

3. Faced with the situation, counsel for the petitioner submits that the petitioner is ready to allow deductions from his terminal benefits so that the same can be taken to be deposit towards required lump sum amount.

4. Senior counsel representing Corporation submits that in view of the stand taken by the petitioner, the Corporation shall reconsider the claim

of the petitioner as per law.

5. In view of fair stand taken by senior counsel, petitioner is directed to submit undertaking in the light of the concession given hereinabove on or before 31.03.2023 to respondent No.2.

6. After the petitioner submits his undertaking, the claim of the petitioner shall be processed in accordance with law and finally adjudicated within a period of 08 weeks thereafter. In case the petitioner is found to be eligible, the necessary relief be released within a period of 04 weeks thereafter. However, in case the respondents reach to the conclusion that the claim of the petitioner does not merit acceptance, the same shall be decided by passing a speaking order that too after affording him opportunity of hearing.

7. Disposed off accordingly.

8. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

15.03.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No