IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-9847 of 2014 (O&M)
Date of decision: 19.01.2023

Brish Bhan **..Petitioner**

Versus

The Secretary, Government of Punjab and others **..Respondents**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surmukh Singh, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab

ANIL KSHETARPAL, J(Oral)

1. This petition is filed to lay challenge to the correctness of the order passed by respondent no.2 on 14.08.2013, wherein the petitioner's claim for counting the period of his service as a Panchayat Secretary on 89 days basis (contract basis) for the purpose of determining pension and other benefits as Gram Sewak has been rejected.

2. The relevant facts, in brief, are required to be noticed:

3. The petitioner claims to have worked as a Panchayat Secretary on 89 days basis (contract) between 02.07.1996 to 15.11.1998. Thereafter, the petitioner was directly recruited as a Gram Sewak in the year 2000. In substance, the petitioner claims that while determining his pensionary benefits the aforesaid period of more than 2 years of his service as Panchayat Secretary should be counted because he was directly recruited in the same department subsequently. He relies upon the judgment passed in ***Kesar Chand vs. State of Punjab through The Secretary, P.W.D. B & R, Chandigarh and others, 1988 (2) PLR 223***.

4. On the other hand, the learned counsel representing the State of

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Punjab submits that the salary of the Panchayat Secretary is paid by the Panchayat Samiti and there was break of 49 days in the service of the petitioner as the Panchayat Secretary.

5. This Court has carefully read the judgment passed in ***Kesar Chand (supra)***. In the aforesaid case, the Full Bench considered the issue in the context of work-charged employees who were subsequently regularised on the same post by the department. The aforesaid judgment does not examine the issue in the context of different posts held by an employee in his service tenure. In this case, the petitioner has been directly recruited as a Gram Sewak. He was born on the regular cadre of Gram Sewaks on 07.04.2000.

6. Hence, there is no apparent error in the order dated 14.08.2013.

7. Keeping in view the aforesaid discussion, the writ petition is dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

January 19, 2023 **(ANIL KSHETARPAL)**
nt **JUDGE**

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

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