

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129

LPA-230-2024 (O&M)
Decided on 01.02.2024

Punjab State Power Co. Ltd. and others

... Appellants

Versus

Bijender Sharma and others

... Respondents

LPA-1145-2023 (O&M)

Punjab State Power Corporation Limited and others

... Appellants

Versus

Shabana

... Respondent

LPA-1148-2023 (O&M)

Punjab State Power Corporation Limited and others

... Appellants

Versus

Avtar Singh and others

... Respondents

LPA-1959-2023 (O&M)

Punjab State Power Corporation Ltd and others

... Appellants

Versus

Kanwaljit Singh and others

... Respondents

CORAM: HON’BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON’BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Gursimran Singh Bawa, Advocate

For appellants in LPA-1145-2023 & LPA-1148-2023

Mr. Saurav Verma, Advocate
for PSPCL-appellant in LPA-1959-2023

Mr. Gagneshwar Walia, Advocate
for PSPCL-appellant in LPA-230-2024

Mr. Dinesh Kumar and Mr. Arvind Galav, Advocates
for respondent No.1 in LPA-1145-2023, for respondent Nos.1 and 2
in LPA-1148-2023 for respondent Nos.1 to 6, 8 to 31, 33 to 72
and 74 to 123 in LPA-1959-2023 and for respondent Nos.1 to 34 in
LPA-230-2024

AMAN CHAUDHARY, J.

CM-536-LPA-2024 in LPA-230-2024, CM-2924-2023 in LPA-1145-2023,

CM-2926-2023 in LPA-1148-2023 & CM-4897 & 4898-2023 in LPA-1959-2023

For the reasons mentioned in the applications, the delay in filing as well as refiling the respective appeals, are condoned.

The applications stand disposed of.

Main Appeals

1. Challenge in the present appeals filed by the appellant is to the judgment of learned Single Judge whereby the respondents have been allowed the benefits of Old GPF Pension Scheme in terms of CWP-2371-2010, Harbans Lal vs. State of Punjab and others.

2. The issue involved in the writ petitions was regarding counting of the service rendered by the respondents on contractual/adhoc basis prior to 01.01.2004, towards the Old GPF Pension Scheme. The learned Single Judge has decided the matter on the basis of Harbans Lal (supra), against which the SLP as well as the review application, were dismissed.

3. We have already decided an issue similar as that emerges in the present appeals, vide judgment dated 21.12.2023 passed in LPA-666-2022, titled

as **Municipal Council, Radian vs. Musthaq Masih and others**, wherein it was observed that the benefit of the Old Pension Scheme had been rightly granted to the respondents therein, who had been in service for more than 10 years.

4. The learned counsel for the appellant has not been able to distinguish the judgment in the case of **Harbans Lal** (supra). The submission made, of the respondents having been granted fresh appointment and thus disentitling them of counting of past service, cannot also be countenanced, the employee being at the receiving end as against the mighty Corporation to assert that the nature/language/condition contained therein ought to be of another kind, as he had no option but to accept the appointment, as it is offered to him. He has, however, also not been able to demonstrate there to be any gap between the service.

5. In wake of the above, we find no merit in the present appeals and as such, the same are hereby dismissed.

6. Pending applications, if any, shall be rendered as disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

01.02.2024
ashok/gsv

Whether speaking / reasoned: YES / NO

Whether Reportable: YES / NO