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

CWP-13348-1999 (O&M)
Date of Decision : 22-07-2024

SUBHASH CHANDER ....Petitioner

VERSUS

STATE OF PUNJAB AND ANR. ....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. V.K. Shukla, Advocate with
Mr. Ashish Gupta, Advocate for the petitioner.

Mr. T.P.S Chawla, Sr. DAG Punjab.

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HARSIMRAN SINGH SETHI, J. (Oral)

The prayer of the petitioner is that the services rendered on ad hoc basis in District Ludhiana for the period from 23.11.1983 till 31.12.1986 be treated as service for computing the pensionary benefits.

Learned counsel for the petitioner submits that though, it has been prayed in the writ petition that the petitioner be given the benefit of ad hoc service as a Revenue Patwari for fixing emoluments, but the same be treated as not pressed.

Learned State counsel submits that petitioner had resigned from services while working as Revenue Patwari in District Ludhiana before joining District Jalandhar as a Revenue Patwari and as the petitioner has resigned, he cannot be given any benefit of the service rendered in District Ludhiana as a Revenue Patwari.

Learned State counsel further submits that even otherwise, the petitioner was working as Revenue Patwari on ad hoc basis in district Ludhiana, and therefore as he was not working on regular basis, the said service cannot be taken into account for computing pensionary benefits.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

The question which arises in the present petition is whether an ad hoc service rendered in a particular department of the State, will be taken into consideration as a valid service and be treated as a qualifying service?

As per the facts of the present case, both the service i.e. the temporary service as well as the regular service is with the Revenue Department of the Government of Punjab. Once, ad hoc service followed by regularisation is to be taken into account as a valid qualifying service for computing the pensionary benefits, keeping in view the judgment of the Full Bench of this Court in '**Kesar Chand Vs. State of Punjab and others', AIR 1988 Punjab 265.** wherein it has been held that the daily wage service followed by the regular service is entitled to be counted as a qualifying service for the grant of pensionary benefits, declining the benefits of the same to the petitioner qua the service rendered on ad hoc basis as a Revenue Patwari in Ludhiana, is arbitrary and illegal. Once both the services i.e. ad-hoc service and regular service is under the same department and under the same employer, as per the judgment in ***Kesar Chand's case (supra),*** the same has to be taken as a valid service for computing the pensionary benefits.

Learned State counsel has not been able to differentiate on the aspect that services rendered by the petitoiner on ad-hoc basis as a Revenue

Patwari in District Ludhiana starting for the period from 23.11.1983 till 31.12.1986, are with the same department, consequently for this reason the claim of the petitioner is valid for considering the ad hoc service rendered as a Revenue Patwari from 23.11.1983 to 31.12.1986 after he was regularly selected on the said post, to be on 01.01.1987, which is to be treated as a valid qualifying service for computing the pensionary benefits.

In view of the above, the present petition is allowed.

The respondent are directed to revise the pensionary benefits to which the petitioner is entitled for, after taking into account the ad-hoc service rendered as a Revenue Patwari from 23.11.1983 to 31.12.1986 as a qualifying service. The petitioner will also be entitled for the arrears of pension.

Pending application, if any, also stand disposed off.

22-07-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO