

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-7737-2021 (O&M)
Decided on : 20.01.2024

Kamal Singh

. . .petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. S. K. Daaria, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance of the petitioner is that the daily wage services rendered by the petitioner prior to the regularization of his service has not been taken into account as qualifying service for computing the pensionary benefits, which is totally arbitrary and contrary to the settled principle of law.

2. Learned counsel for the petitioner submits that keeping in view the judgment of this Court in CWP No. 19970 of 2020 titled as **Ramchander vs. State of Haryana and others**, decided on 22.08.2022, the question of law raised in the present petition is covered in favour of the petitioner, hence, the petitioner is also entitled for counting of daily wage service in the total length of his service as qualifying service for computing the pensionary benefits.

3. Per contra, learned counsel for the respondents has not been able to dispute the fact that the question of law raised in the present petition has already been answered by this Court while passing the order in **Ramchander's case (Supra)** and he has also not been able to differentiate as to how the claim of the petitioner is not covered in their favour by the judgment passed in **Ramchander's case (Supra)**.

4. I have heard learned counsel for the parties and have gone through the case record with their able assistance.

5. Keeping in view the facts and circumstances of the present case where the question of law raised in the present petition has already been

answered by this Court while passing order in **Ramchander's case (Supra)**, the present petition is also allowed in same terms and conditions as held in **Ramchander's case (Supra)**.

6. The respondents are directed to include the daily wage service rendered by the petitioner as a qualifying service and thereafter, re-calculate the qualifying service and thereafter, revised the pensionary benefits admissible to the petitioner and grant him arrears, if any, he is found entitled, upon re-fixation of his pensionary benefits. Let the present order be complied with within a period of eight weeks from the receipt of copy of this order.

7. Present petition is allowed in above terms.

8. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

20.01.2024

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*