



CWP-21429-2021

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

**CWP-21429-2021
Date of Decision: 24.10.2024**

Satnam Dass

..... Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Naveen Daryal, Advocate
for the petitioner.

Ms. Sehej Sandhawalia, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to count the daily wage and work charge service from 01.01.1980 to 01.11.1980 and work charge service from 01.11.1980 to 27.03.1987 as per notification dated 17.06.2010 (Annexure P-3) issued by the Government and as decided by Hon'ble Supreme Court of India in Civil Appeal No.4903 of 2009 titled as "DHBVN & others Vs. Bachan Singh" wherein it was held that the work charge period rendered by an employee can be counted for the purpose of pensionary benefits along with all consequential benefits as well as interest @18% per annum from the date of accrual till the date of realization/accrue payment.

2. Both the learned counsels for the parties have submitted that so far as the main prayer in the present petition for counting the daily wage



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service and the work-charge service rendered by the petitioner for pensionary purposes is concerned, the same has already been counted by the respondents.

3. Learned counsel for the petitioner submitted that the only issue which is left in the present case is with respect to respondent-Nigam charging more than 6% p.a. interest while counting the earlier services rendered by the petitioner wherein the petitioner was to deposit the contribution of EPF so as to avail the aforesaid benefit and for that purpose, they have charged interest more than 6% p.a. which they could not have charged in view of the judgment passed by a Co-ordinate Bench of this Court in **CWP-2914-2014** titled as “**Lakhmi Chand Vs. Uttar Haryana Bijli Vitran Nigam Limited and others**”, decided on **02.09.2015** and only 6% p.a. interest could have been charged.

4. Learned counsel for the respondents-Nigam has stated that the interest charged by the Nigam on the EPF/CPF was 8% p.a.

5. This Court finds that the prayer of the learned counsel for the petitioner is squarely covered by the aforesaid judgment of **Lakhmi Chand’s case (Supra)** and only 6% p.a. interest could have been charged from the petitioner.

6. In view of the above, the present petition is disposed of with a direction to the respondent-Nigam to refund the remaining amount of 2% interest by calculating the same to the petitioner within a period of three months from today.

24.10.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No