

Neutral Citation No: 2024-PHHC-108040



CWP-20322-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-20322-2024

Decided on:22.08.2024

Triveni Pandit

.... Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Nand Lal Sammi, Advocate and
Mr. Hitesh Kumar Sammi, Advocate
for the petitioner.

SANJAY VASHISTH, J.(Oral)

1. Petitioner-Triveni Pandi, Mali, aged 60 years has filed the instant writ petition for issuance of directions to respondents (Home Department, Punjab etc.) to count the daily wage service of the petitioner, rendered before his date of regularization i.e. 12.07.2014, as qualifying service from the date of appointment i.e. 04.03.1997 for the purpose of pensioner/retiral benefits.

2. Learned counsel for the petitioner submits that the issue involved in the present writ petition has already been decided by the Division Bench of this Court (Punjab and Haryana High Court), in case, **'Harbans Lal Vs. The State fo Punjab and others'** 2012 (3)S.C.T. 362, law finder Doc Id # 371477 and refers to the concluding part of the said



judgment. For the sake of convenience, paragraph No.s 16 and 17 are reproduced herebelow:

“16. From the above discussion, we have come to the conclusion that the entire daily wage service of the petitioner from 1988 till the date of his regularisation is to be counted as qualifying service for the purpose of pension. He will be deemed to be in govt. service prior to 1.1.2004. The new Re-structured Defined Contribution Pension Scheme (Annexure P-1) has been introduced for the new entrants in the Punjab Government Service w.e.f. 01.01.2004, will not be applicable to the petitioner. The amendment made vide Annexure P-2 amending the Punjab Civil Services Rules, cannot be further amended by issuing clarification/ instructions dated 30.5.2008 (Annexure P-3). The petitioner will continue to be governed by the GPF Scheme and is held entitled to received pensionary benefits as applicable to the employees recruited in the Punjab Govt. Services prior to 1.1.2004.

17. In view of the above, the writ petition is allowed. Accordingly respondents are directed to treat the whole period of work charge service as qualified service for pension because accordingly to clarification issued on 30.05.2008 (Annexure P-3), the new defined Contributory Pension Scheme would be applicable to all those employees who have been working prior to 1.1.2004 but have been regularised thereafter. Let his pension and arrears be calculated and paid to him



expeditiously, preferably within a period of three months from the date of receipt of copy of this order.”

Learned counsel for the petitioner also refers to the judgment of Full Bench of this Court (Punjab and Haryana High Court), titled as, ‘**Kesar Chand Vs. State of Punjab through The Secretary, P.W.D B & R, Chandigarh and others**’, 1988 AIR(Punjab and Haryana) 265, Law Finder Doc Id # 69266.

3. Notice of motion.

4. Mr. Aman Dhir, DAG, Punjab, accepts notice on behalf of respondents/State.

5. Learned State counsel expresses his inability to counter the legal position submitted before the Court by the petitioner.

6. After going through the pleadings raised by the petitioner through present writ petition and also hearing learned counsel for the parties, this Court is of the view that the law point argued by the petitioner is well settled earlier by the Full Bench of this Court in ***Kesar Chand’s case*** (supra) and subsequently followed in case of ***Harbans Lal’s case*** (supra) and several other cases from time to time.

7. After examining the complete facts pleaded by the petitioner in the present writ petition and the law already laid down by this Court, the respondents are directed to consider the claim of the petitioner in regard to the counting of daily wage service as qualifying service for the purpose of pensioner and other retiral benefits.



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Accordingly, the respondents are directed to take final decision qua the claim of the petitioner, by passing a speaking order, within a period of three months from today itself.

8. However, it is made clear that in case, the petitioner requires personal hearing, respondents would afford the said opportunity also, to the petitioner.

9. Needless to say that in case, the petitioner is found to be entitled for the relief claimed, same would be extended to him, without any unnecessary delay.

10. Accordingly, present writ petition stands disposed of.

22.08.2024
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[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable?	Yes/No