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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-4869-2017
Date of Decision: 14.03.2024

Ram Nath (represented through LRs) Petitioner

Versus

Haryana Vidyut Parsaran Nigam Limited and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anil Kumar Sharma, Advocate,
for the petitioner/LRs.

Mr. Rajesh Gaur, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* for directing the respondents to count the work-charge service/contract service followed by regular service for the purpose of increments and retiral benefits of the petitioner in view of the service conditions, instructions, rules especially Punjab Civil Services Rules as adopted by the respondent-Corporation.

2. Learned counsel for the petitioner submitted that the deceased petitioner was appointed as Driver on work-charge basis and thereafter, his services were regularized by the respondent-Nigam. He further submitted that after the services of the petitioner were regularized, his services which he rendered on work-charge basis, have not been counted for grant of

pensionary benefits and also submitted that the law in this regard is no longer *res integra* and further submitted that the case of the petitioner is covered by the judgments of a Co-ordinate Bench of this Court passed in “Kesar Chand Vs. State of Punjab and others”, 1989(1) RSJ 629 and also in CWP-14449-2011 titled as “Chiranji Lal and others Vs. Haryana Vidyut Prasaran Nigam Ltd. And another”, decided on 26.05.2015 (Annexure P-2).

3. Mr. Rajesh Gaur, learned counsel for the respondents submitted that so far as the aforesaid judgments are concerned, there is no dispute with regard to the same and it is also correct that the deceased petitioner was appointed on work-charge basis and thereafter, his services were regularized.

4. In view of the aforesaid facts and circumstances, the present petition is allowed as being covered by the ratio of the aforesaid judgments passed by a Co-ordinate Bench of this Court in *Kesar Chand’s case (supra)* and *Chiranji Lal and others case (supra)*. The respondents are directed to refix the pension and all the retiral benefits of the deceased petitioner, after counting his services during the work-charge period and after calculating the arrears, pay the same to the LR’s of the deceased within a period of four months.

14.03.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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