



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CWP No. 30803 of 2024
Date of Decision : 25.11.2024

Nirmal Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashok Giri, Advocate for the petitioners.
Mr. Arun Gupta, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioners submits that the impugned order dated 10.10.2024 (Annexure P-10) which has been passed declining the benefit to the petitioner and by keeping in the claim of the petitioner pending, is arbitrary and illegal and contrary to the settled principle of law settled by the Full Bench of this Court while deciding CWP No. 2864 of 1983 titled as ***Kesar Chand Vs. State of Punjab through The Secretary, P.W.D.B. & R. Chandigarh and others***, decided on 02.06.1988, wherein the temporary/ad-hoc service rendered by an employee prior to regularization of his/her services, is liable to be taken as a qualifying service for computing the pensionary benefits.

Notice of motion.



On the asking of the Court, Mr. Arun Gupta, Deputy Advocate General, Punjab., who is present in Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondents on instructions from Mr. Sanjay Sharma, Assistant Director, Food & Supplies Department, submits that the impugned order dated 10.10.2024 (Annexure P-10) be treated as withdrawn with liberty to pass a fresh order in accordance with law by keeping in mind the judgment in *Kesar Chand (supra)* as well as judgment of this Court passed in CWP No. 10238 of 2017 titled as Jeewan Lata Vs. State of Punjab and others, decided on 10.05.2019, wherein the benefit of temporary service has been extended even to the part time employees for computing their pensionary benefits and the fresh order will be passed within a period of eight weeks of the receipt of copy of this order and whatever is found admissible to the petitioner, the said relief will be granted to him.

Learned counsel for the petitioner submits that in view of the statement of learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

November 25, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No