



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

233

CWP-10513-2021

Date of Decision: 29.04.2025

POONAM

... Petitioner

Versus

SYNDICATE BANK AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Ravi Gakhar, Advocate
for the petitioner.

Mr. Nitin Gupta, Advocate
for the respondent.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present writ petition is to the impugned order dated 24.03.2021 passed by respondent No.3-General Manager, Canara Bank, Chandigarh whereby prayer for counting the service rendered by him as a part time subordinate staff has not been considered as qualifying service for computation of pension.

2. Undisputedly, the petitioner had joined the services with the respondent-Bank on part time basis on 22.09.1998 and she was offered a regular appointment on 23.10.2007. She was made permanent w.e.f. 01.12.2007. The petitioner superannuated on 29.02.2016. The Counsel for the petitioner submits that the service rendered by her on part time basis ought to be counted as qualifying service for computation of pension. He



places reliance on the judgment of Full Bench in the matter of ***“Kesar Chand versus State of Punjab through the Secretary, P.W.D. B & R, Chandigarh and others”*** reported as ***1998 (5) SLR 27*** as well as Division Bench Judgment of this Court in the matter of ***“Harbans Lal versus the State of Punjab and others”*** reported as ***2012 (3) S.C.T 362***.

3. On being confronted with the fact that the said judgment pertains to the Punjab Civil Services Rules and as to whether the provisions as enshrined in Punjab Civil Services Rules are pari-materia to the provisions applicable to the petitioner herein, counsel for the petitioner fails to offer a satisfactory answer elucidating either that the provision is pari materia or that the petitioner would be covered under the said provisions.

4. To the contrary, counsel for the respondent has referred to the judgment of the Hon’ble Supreme Court in the matter of ***“Uday Partap Thakur and another versus the State of Bihar and others”*** passed in Civil Appeal No. 3155 of 2023 decided on 28.04.2023 wherein it was held that the entire service of employee (Work Charge Employee therein) cannot be counted towards pension as they are not appointed on a substantive post and they were also not appointed after due process of selection or as per the recruitment rules.

5. Reliance is also placed on the judgment in the matter of ***“Director General, Doordarshan Prasar Bharti Corporation of India and another versus Smt. Magi H Desai”*** passed in Civil Appeal No. 1787 of 2023, decided on 24.03.2023 wherein it was held by the Hon’ble Supreme Court that the service rendered as casual/contractual employee cannot be

**CWP-10513-2021**

-3-

said to be service rendered on a substantive appointment and the same cannot be counted towards qualifying service for pensionary benefits.

6. Counsel for the petitioner is not in a position to controvert applicability of the aforesaid judgments of Hon'ble Supreme Court. Consequently, the instant writ petition is dismissed. The order dated 24.03.2021 passed by the respondent-authorities is affirmed.

APRIL 29, 2025*Vishal Sharma***(VINOD S. BHARDWAJ)****JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*