



CWP-19948-2021

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

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CWP-19948-2021

Date of Decision :09.04.2025

Kulwant Singh

...Petitioner

Versus

Principal Secretary to Govt. of Punjab
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Laxman Choudhary, Advocate for
Mr. Sewa Singh, Advocate for the petitioner.

Mr. Malkiat Singh, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

1. Reply filed on behalf of respondents No.1 to 3 in the Court today is taken on record.

2. In the present petition, the grievance being raised by the petitioner is that though, the petitioner had worked as Patrolman with the respondents in the same department from 01.04.1996 to 30.06.2010 on daily wage basis after which, the petitioner was regularly selected on the said post and has been working as such but the said daily wage service rendered by the petitioner from 01.04.1996 to 30.06.2010 has not been treated as a valid service to be treated as qualifying service. Prayer of the petitioner is that the said daily wage service rendered by the petitioner from 01.04.1996 to



30.06.2010 be treated as valid service towards qualifying service for the grant of pensionary benefits.

3. Learned counsel for the respondents submits that though, the petitioner has worked on daily wage basis in the same department from 01.04.1996 to 30.06.2010 but he was given a fresh appointment in the year 2010 and hence, the earlier service rendered by the petitioner on adhoc basis cannot be taken into account to be counted as qualifying service.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, the petitioner has worked for a substantial period of 14 years on daily wage basis before being selected on regular post in the same cadre, the said adhoc service cannot be washed away so as to deny him the pensionary benefits qua the said service rendered. The regularization of a service or being regularly appointed on the same post without there being any break between the two services will not make much difference so as to grant the benefit of the said adhoc service towards pensionary benefits by treating the same as qualifying service.

6. Further, the said question of law has already been decided by the Full Bench of this Court in **Kesar Chand vs. State of Punjab and others, AIR 1988, P & H 265** wherein, after interpreting the rules governing the service, it has been held that the daily wage service rendered by an employee has to be taken into account so as to treat the same as qualifying service for computing the pensionary benefits.

7. Learned counsel for the respondents has not been able to

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differentiate the said settled principle of law so as to be made applicable in the facts and circumstances of the present case to grant the benefit of adhoc service towards pensionary benefits.

8. Keeping in view the facts and circumstances of the present case, the respondents are directed that as and when the petitioner retires from service, the daily wage services rendered by the petitioner starting from 01.04.1996 to 30.06.2010 be taken into account as qualifying service for computing the pensionary benefits.

9. Present petition is allowed.

April 09, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No