IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

104+222

CWP-8718-2023 (O&M)
Date of decision: 08.12.2025

Parveen Garg .....Petitioner

Versus

State of Punjab and another .....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Mr. Satnampreet Singh Chauhan, DAG, Punjab.

****

NAMIT KUMAR, J. (ORAL)

CM-14475-CWP-2025

1. This application has been filed by the petitioner for placing on record replication to the reply filed by respondents No.1 and 2.

2. Allowed as prayed for subject to all just exceptions.

3. Office is directed to tag the same at an appropriate place.

CWP-8718-2023

1. The instant petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking a writ of mandamus for directing the respondents to consider the regular service of the petitioner in Electronic Systems Punjab Limited (hereinafter referred to as 'ESPL') from 12.02.1987 to 27.09.2004 and contractual service in the Department of Information Technology, Punjab from 27.09.2004 to 31.03.2011, for the purpose of computing pension and other pensionary benefits such as leave encashment, gratuity and commutation of

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pension, etc. Further, prayer has been made to recompute leave encashment, gratuity and commutation of pension after taking into account the above-said service and to release the remaining dues/arrears of leave encashment, gratuity and commutation of pension along with interest at the rate of 18% from the date of retirement i.e. 31.08.2021 till its realisation.

2. The undisputed facts of the case are that the petitioner joined the department of ESPL, a Punjab State Government Enterprise (PSU) on 12.02.1987 on regular basis against a sanctioned post as Assistant Manager. Thereafter, the petitioner was sent on deputation to the Department of Information Technology, Punjab, as System Manager on 17.05.1999 and his tenure was extended on annual basis without any interruption or break. Further, he was offered appointment as Senior System Manager-cum-Senior Consultant on contract basis in the Department of Information Technology, Punjab, vide appointment letter dated 28.11.2003 (Annexure P-2). Subsequently, ESPL, a PSU, was wound up by the State in the year 2004 and the said appointment letter was re-validated vide appointment letter dated 24.09.2004. Thereafter, the State of Punjab created a new department i.e. Department of Governance Reforms, vide Allocation of Business Rules (1st Amendment), 2012 dated 16.03.2012. After the report of two members committee of Directors of Department of Information Technology and Department of Governance Reforms (constituted by Chief Secretary) for sharing/transfer of manpower/assets/liabilities etc., the Hon'ble Chief Minister approved the shifting of 12 employees of Department of Information Technology to Department of Governance Reforms,

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Punjab, vide order dated 22.05.2012. In pursuance thereto, the department of Information Technology, vide order dated 28.06.2012 relieved the petitioner along with other officers from the department of Information Technology to join the Department of Governance Reforms. Thereafter, services of the petitioner were regularised on the post of Senior System Manager, vide order dated 11.06.2013, in terms of regularisation policy dated 21.11.2011. The petitioner submitted representation dated 07.01.2019 with a reminder dated 27.06.2019, to the Director, Department of Governance Reforms, Punjab, seeking regularisation with effect from 01.04.2011 in parity with Sh. Anwar, Assistant Manager, who was similarly situated like the present petitioner. When no action was taken on the said representation, the petitioner filed CWP No.4854 of 2020 claiming the benefit of regularisation with effect from 01.04.2011. The said writ petition came up for hearing before this Court on 24.02.2020 and the following order was passed:-

> *"xxx xxx xxx xxx xxx*
>
> *Let two copies of the writ petition be handed over to Mr. Vikas Mohan Gupta, Addl. A.G., Punjab, during the course of the day under proper receipt, who shall seek instructions from the respondents as to whether any decision has been taken upon the representation dated 07.01.2019 (Annexure P-11) and reminder dated 27.06.2019 (Annexure P-12) submitted by the petitioner and if such a decision has been taken, copy thereof be produced in Court on the next date of hearing. If decision has yet not been taken, the needful be so done prior to the next date of hearing and order be produced in Court."*

3. The said claim of the petitioner was accepted by the respondents vide order dated 06.07.2021/14.07.2021 (Annexure P-3) by observing that the case of the petitioner is at par with Sh. Anwar, as

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both of them were transferred as per letter dated 21.11.2011 of the Personnel Department, so the services of the petitioner were also regularised with effect from 01.04.2011 in view of the representation submitted by the petitioner and order passed by the High Court in CWP No.4854 of 2020. Consequently, the writ petition filed by the petitioner was disposed of being rendered infructuous vide order dated 27.05.2022 (Annexure P-4). Thereafter, the petitioner retired from service on attaining the age of superannuation on 31.08.2021 and requested the respondent-department for counting the regular service of the petitioner rendered in ESPL from 12.02.1987 to 27.09.2004 and contractual service rendered in the Department of Information Technology, Punjab from 27.09.2004 to 31.03.2011. However, when no action was taken by the respondents, he got served a legal notice dated 09.01.2023 (Annexure P-5), through his counsel, but to no avail. Hence, the present writ petition.

4. Reply by way of affidavit of Sh. Girish Dayalan, IAS, Special Secretary and Director, Department of Governance Reforms and Public Grievances, Punjab, SAS Nagar, Mohali, on behalf of respondents No.1 and 2 has been filed wherein the facts stated hereinabove have not been disputed, however, it has been stated that the services of the petitioner were regularised as per instructions dated 21.11.2011 and in the said instructions, it was clearly mentioned that no benefit of the previous service (notional or otherwise) shall be given to any official and even in the order dated 13.06.2013, vide which the services of the petitioner were regularised, it was mentioned that the petitioner will not be granted any benefit (notional or otherwise) of his

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past service. The relevant portion from the reply is as under:-

> *"4. That the services of the petitioner were regularized w.e.f dated 01.04.2011 as per the instructions dated 21.11.2011 issued by the Government of Punjab. In the said instructions, it is clearly mentioned that the no benefit for the previous service (notional or otherwise) shall be given to any official. It is noteworthy that even in the order dated 13.06.2013 vide which the services of the petitioner were regularized, it was mentioned that the petitioner will not be granted any benefits (notional or otherwise) of his past services. Thus, claim of the petitioner for considering regular service rendered by the him in Electronic System Punjab Ltd from 12.2.87 to 27.9.2004 and contractual service in Department of Information Technology from the 27.9.2004 to 31.3.2011 for purpose of commuting pension and other retiral benefits such as leave encashment and Gratuity etc. is not tenable. A true copy of the order dated 11.6.2013 is annexed herewith as* ***Annexure R-1****. and its true translation is attached herewith as* ***Annexure R-1/T****.*
>
> *5. That as per the provisions of Rule 3.17 and 3.17A, the contractual services are not countable for pensionary benefits. Further, there is no correlation between the 'regular service rendered by the petitioner in the erstwhile ESPL' and the 'contractual service rendered in Department of Information Technology. The petitioner rendered his services from 12.02.87 to 03.09.2004 in ESPL, which was a Public Sector Undertaking and the same was not Government Department. The above said PSU was wound up by the Govt in the 2004. The petitioner was appointed as System Manager in the Department of Information Technology vide appointment letter dated 28.11.2003, The same was revalidated on 24.09.2004. The petitioner joined the department on 27.09.2004. So, the former regular service was in the ESPL, a PSU. Thus, service rendered by the petitioner from 12.02.87 to 03.09.2004 in ESPL and his contractual service rendered at the Department of IT cannot be considered as regular service for pension and other benefits."*

5. Learned counsel for the petitioner has contended that the past service rendered by the petitioner is liable to be counted for the purpose of pension and other pensionary benefits as the petitioner has served the ESPL, which is a PSU on regular basis against a sanctioned post from 12.02.1987 to 27.09.2004 and thereafter, he was sent on deputation on 17.05.1999 from ESPL to the Department of Information

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Technology, Punjab, as System Manager. Further, he was offered appointment as Senior System Manager-cum-Senior Consultant in the Department of Information Technology, Punjab, vide appointment letter dated 28.11.2003 on contract basis, and subsequently, ESPL (a PSU), was wound up by the State in the year 2004 and the said appointment letter was re-validated vide appointment letter dated 24.09.2004 and in pursuance to the representation submitted by the petitioner and order passed by this High Court in CWP No.4854 of 2020, the services of the petitioner have been regularised with effect from 01.04.2011. The service rendered by the petitioner is continuous and there is no break in service and the action taken by the respondents in not counting the said period of service for the purpose of pension and other pensionary benefits, is totally illegal and arbitrary. He further submitted that in view of the provisions of Rule 3.17-A of the Punjab Civil Services Rules, the past service rendered by the petitioner is liable to be counted. He further submitted that the case of the petitioner is squarely covered by the judgments of this Court in ***CWP-2722 of 2013 – Yash Pal Singh Rana v. The State of Punjab and others, decided on 05.02.2019; CWP-12364 of 2021 – Sham Lal v. State of Punjab and others, decided on 28.08.2024; CWP-3638 of 2023 - Jasdeep Singh Aulakh v. State of Punjab and others, decided on 24.04.2024*** and ***CWP-29667 of 2019 - Vinod Kumar v. State of Punjab and others, decided on 16.12.2024***.

6. *Per contra*, learned State counsel has opposed the claim of the petitioner by stating that the services of the petitioner have been regularised in terms of instructions dated 21.11.2011 and in the said

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instructions, it was clearly mentioned that no benefit of the previous service (notional or otherwise) shall be given to any official and even in the order dated 13.06.2013, vide which the services of the petitioner were regularised, it was mentioned that the petitioner will not be granted any benefit (notional or otherwise) of his past service. Accordingly, a prayer has been made for dismissal of the present petition.

7. I have heard learned counsel for the parties and perused the record.

8. The only question which arises for consideration in the present petition is as to whether the past service rendered by the petitioner in ESPL (a PSU) from 12.02.1987 to 27.09.2004 and contractual service in the Department of Information Technology, Punjab from 27.09.2004 to 31.03.2011, is countable towards pension and other pensionary benefits or not?

9. There is no dispute with regard to the service rendered by the petitioner from 12.02.1987 to 27.09.2004 in ESPL, which is a PSU and from 27.09.2004 to 31.03.2011 in the Department of Information Technology. The ESPL has been wound up in the year 2004, and thereafter, services of the petitioner were regularised with effect from 01.04.2011 by the State, in pursuance to the order passed by this Court in CWP No.4854 of 2020. Thus, the service rendered by the petitioner is continuous and uninterrupted.

10. Before proceeding further, it is necessary to give reference of the relevant provisions of the Rules.

11. Rule 3.17-A of the Punjab Civil Services Rules (Volume

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II) deals with the counting of service rendered in an establishment and provides that service rendered in an establishment would be counted as qualifying service, if the employee has submitted resignation for taking up another appointment and said resignation has been accepted.

12. Rule 3.17-A of the Punjab Civil Services Rules reads as under: -

> *"**Rule 3.17-A**. (1) Subject to the provisions of rule 4.23 and other rules and except in the cases mentioned below, all service rendered on establishment, interrupted or continuous, shall count as qualifying service:–*
>
> *(i) Omitted.*
>
> *(ii) Omitted.*
>
> *(iii) Casual or daily rated service.*
>
> *(iv) Suspension adjudged as a specific penalty.*
>
> *Note.– In cases where an officer dies or is permitted to retire while under suspension will not be treated as an interruption.*
>
> *(v) Service preceding resignation except where such resignation is allowed to be withdrawn in public interest by the appointing authority as provided in the relevant rules or where such resignation has been submitted to take up, with proper permission, another appointment whether temporary or permanent under the Government where service qualifies for pension.*
>
> *(vi) Joining time for which no allowances are admissible under rules 9.1 and 9.15 of C.S.R., Volume I, Part I.*
>
> *(vii) If any unauthorised leave of absence occurs in continuation of authorized leave of absence and if the post of the absentee has been substantively filled up, the past service of the absentee is forfeited.*
>
> *(viii) Transfer to a non-qualifying service in an establishment not under Government control or if such transfer is not made by the competent authority and transfer to service in a grant-inaid school.*
> *(A Government employee, who voluntarily resigns qualifying service, cannot claim the*

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benefit under this clause.)

(ix) Removal from public service for misconduct, insolvency, inefficiency not due to age, or failure to pass an examination will entail forfeiture of the past service.

(x) Service rendered beyond the date of retirement on superannuation in terms of rule 3.26 of Punjab Civil Services Rules, Volume I, Part I.

(2) An interruption in the service of a Government employee caused by wilful absence from duty or unathorised absence without leave, shall entail forfeiture of the past service.

(3) Wilful abstinence from performing duties by a Government employee by resort to pen down strike shall be deemed to be wilful absence from duty and shall also entail forfeiture of the past service.

***Note**.– In the case of a Central Government employee who is permanently transferred to the Punjab Government and becomes subject to these rules, the pensionary benefits admissible for service under Central Government would be that admissible under the Government of India rules and the liability for such benefits shall be allocated in accordance with the prevalent orders.*

Clarification (1).–Even after the introduction of rule 3.17(A) and deletion of rule 4.21 the following cases do not entail forfeiture of past service:–

(a) authorised leave of absence;

(b) abolition of post or loss of appointment owing to reduction in establishment.

("Post" or "appointment" means a post or appointment service in which qualifies for pension).

(2) While counting such qualifying service for working out aggregate service, the period of break in service shall be omitted."

[Emphasis Supplied]

Sub-Rule (2) of Rule 7.5 of PCS Rules provides that resignation submitted for taking up another appointment with Government, shall not entail forfeiture of past service, if there is permission by Competent Authority. Sub-Rule (2) of Rule 7.5 of PCS Rules is reproduced as below: -

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> *"A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies for pension."*

13. The said provisions have been interpreted by this Court in ***Jasdeep Singh Aulakh's case (supra)***. In the said case, petitioner had rendered service as Assistant Engineer from 1996 to 2004 in Punjab State Electricity Board (hereinafter referred to as 'PSEB') and thereafter he participated in the direct recruitment process of PCS (Executive Branch) and was selected in 2004 and joined PCS (Executive Branch) after submitting resignation to his parent department i.e. PSEB, which was accepted and his pay was protected. The relevant paras from the said judgment read as under: -

> *"10. From the perusal of above quoted Rules 3.17-A and 7.5 (2) of PCS Rules, it is quite evident that service rendered with an establishment is counted for qualifying service if an employee resigns with the permission of Competent Authority and for the purpose of taking up employment with Government. The respondent has failed to controvert applicability of aforesaid Rule to petitioner except pleading that instructions do not provide for counting previous service.*
>
> *11. It is settled proposition of law that instructions can supplement statutory provisions but cannot supplant the statutory provisions. The instructions cannot be contrary to mandate of Rules. The said instructions are not under challenge, however, being contrary to statutory provisions as well as intent of beneficial scheme cannot detain this Court.*
>
> *12. The Supreme Court in* ***Shree Bhagwati Steel Rolling Mills v. Commissioner of Central Excise and another, (2016) 3 SCC 643****, has observed that Rules or Regulations which are ultra vires though not challenged may be ignored. The relevant extracts of the judgment read as:*
>
> > *"28. Shri Aggarwal in order to buttress his submission that he ought to be allowed to raise a pure question of law going to the very jurisdiction to levy interest, cited before us the judgment in Bharathidasan University v. All-India Council for*

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Technical Education [Bharathidasan University v. All-India Council for Technical Education, (2001) 8 SCC 676 : 1 SCEC 924] and in particular para 14 thereof which reads as follow: (SCC pp. 688- 89)

> *"14. The fact that the Regulations may have the force of law or when made have to be laid down before the legislature concerned does not confer any more sanctity or immunity as though they are statutory provisions themselves. Consequently, when the power to make Regulations is confined to certain limits and made to flow in a well-defined canal within stipulated banks, those actually made or shown and found to be not made within its confines but outside them, the courts are bound to ignore them when the question of their enforcement arises and the mere fact that there was no specific relief sought for to strike down or declare them ultra vires, particularly when the party in sufferance is a respondent to the lis or proceedings cannot confer any further sanctity or authority and validity which it is shown and found to obviously and patently lack. It would, therefore, be a myth to state that the Regulations made under Section 23 of the Act have 'constitutional' and legal status, even unmindful of the fact that any one or more of them are found to be not consistent with specific provisions of the Act itself. Thus, the Regulations in question, which AICTE could not have made so as to bind universities/UGC within the confines of the powers conferred upon it, cannot be enforced against or bind a university in the matter of any necessity to seek prior approval to commence a new department or course and programme in technical education in any university or any of its departments and constituent institutions."*

29. It would be seen that Shri Aggarwal is on firm ground because this Court has specifically stated that rules or regulations which are in the nature of subordinate legislation which are ultra vires are bound to be ignored by the courts when the question of their enforcement arises and the mere fact that there is no specific relief sought for to strike down or declare them ultra vires would not stand in the court's way of not enforcing them. We also feel that since this is a question of the very jurisdiction to levy interest and is otherwise covered by a Constitution Bench decision of this Court, it would

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be a travesty of justice if we would not allow Shri Aggarwal to make this submission."

13. A three Judge Bench of Supreme Court in ***State of Haryana Vs. Shamsher Jang Bahadur, 1972(2) SCC 188****, while relying upon Constitution Bench judgment in* ***Sant Ram Sharma Vs. State of Rajasthan and another, AIR 1967 Supreme Court 1910*** *has held that Government is not Competent to alter the Rules framed under Article 309 by means of administrative instructions. The relevant extracts of the judgment reads as:*

"7. It may be noted that herein we are dealing only with those who were promoted from the cadre of clerks in the Secretariat. The first question arising for decision is whether the Government was competent to add by means of administrative instructions to the qualifications prescribed under the Rules framed under Article 309. The High Court and the courts below have come to the conclusion that the Government was incompetent to do so. This Court has ruled in Sant Ram Shama v. State of Rajasthan [(1968) 1 SCR 111] that while the Government cannot amend or supersede the statutory rules by administrative instructions, if the rules are silent on any particular point, the Government can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed. Hence we have to see whether the instructions with which we are concerned, so far as relate to the clerks in the Secretariat amend or they alter the conditions of service prescribed by the rules framed under Article 309. Undoubtedly the instructions issued by the Government add to those qualifications. By adding to the qualifications already prescribed by the rules, the Government has really altered the existing conditions of service. The instructions issued by the Government undoubtedly affects the promotion of concerned officials and therefore they relate to their conditions of service. The Government is not competent to alter the rules framed under Article 309 by means of administrative instructions. We are unable to agree with the contention of the State that by issuing the instructions in question, the Government had merely filled up a gap in the rules. The rules can be implemented without any difficulty. We see no gap in the rules."

14. A rule cannot operate contrary to a statutory provision whereunder said rule has been made. Rules cannot be contrary to statutory provisions. Similarly, neither instructions can be contrary to statutory provisions nor rules. The instructions cannot override or flow beyond

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> *the banks of river of rules. The instructions, which are contrary to Rules, need to be ignored.*
>
> *15. In the case in hand, the case of petitioner is squarely covered by afore-stated Rules, however, his claim has been rejected on account of instructions which are contrary to Rules framed under proviso to Article 309 of the Constitution. In view of afore-stated legal position, the instructions need to be ignored. It is apt to notice here that respondent has granted similar benefit to identically placed other employees.*
>
> *16. In the wake of above discussion and findings, the present petition deserves to be allowed and accordingly allowed. The impugned order dated 31.01.2023 (Annexure P-17) is hereby quashed."*

The said judgment has become final as the same has not been challenged by the respondents and has been implemented after filing of ***COCP-3243 of 2024 (Jasdeep Singh Aulakh v. Anurag Verma, IAS and others)***.

14. To the same effect is the judgment of a Co-ordinate Bench in ***Yash Pal Singh Rana (supra)***. In the said case, the petitioner had joined the Punjab Land Development and Reclamation Corporation Limited as Clerk on 01.11.1975 and thereafter he was promoted as Senior Assistant. While he was working in the said Corporation, due to weak financial status of the said Corporation, the same was wound up and during the said period, the posts of Superintendent in the District Consumer Disputes Redressal Forum were advertised by the respondents therein and petitioner therein applied through proper channel and was selected vide appointment order dated 20.12.2000 and he joined on 05.01.2001 after he was relieved from the services of the said Corporation. He joined the State Consumer Disputes Redressal Commission on 05.01.2001 and superannuated on 30.11.2011, however, his earlier service rendered from 01.11.1975 till 04.01.2001

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was not counted as qualifying service for computing the pensionary benefits. The said claim was accepted by this Court vide judgment dated 05.02.2019 while relying upon various earlier orders passed by this Court in various other writ petitions. The said judgment has been followed in ***Sham Lal (supra)*** and the same reads as under: -

> *"1. In the present petition, the challenge is to the orders dated 25.04.2017 (Annexure P-5) and 03.02.2020 (Annexure P-7) respectively by which the respondents have declined to grant the benefit of service rendered by the petitioner with the Punjab Scheduled Castes Land Development and Finance Corporation, after the petitioner retired from service working on a pensionable post with the Government of Punjab.*
>
> *2. Learned counsel for the petitioner submits that the relief which is being claimed by the petitioner has already been granted by this Court to another similarly situated employee, who had filed CWP No. 2722 of 2013 titled as* ***Yash Pal Singh Rana Vs. The State of Punjab and others, decided on 05.02.2019****, which judgment has already attained finality and relief has already been given to Yash Pal Singh Rana.*
>
> *3. Learned counsel for the respondents has not been able to dispute the fact that in Yash Pal Singh Rana's case (supra) also, the service rendered in the Corporation wherein the petitioner of that case was working, was directed to be taken into account for computing the pensionary benefits. No differentiating factor in the case of the petitioner and that of Yash Pal Singh Rana's case (supra) has been proved and so as not to appeal the said decision in the case of petitioner herein. Hence, the present petition is also allowed in the same terms as Yash Pal Singh Rana's case (supra) except that the rate of interest will be 6% per annum and not 9% as claimed."*
>
> *x x x x*

15. The judgment dated 28.08.2024 in ***Sham Lal's case (supra)*** has been upheld by a Division Bench of this Court in ***LPA-3328 of 2024 – State of Punjab and another v. Sham Lal and another decided on 20.12.2024***. The relevant portion from the said judgment reads as under: -

> *"4. Learned Single Bench noted that relief claimed by*

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respondent/writ-petitioner had been granted to another similarly situated employee i.e., the petitioner in ***CWP No. 2722 of 2013, titled 'Yashpal Singh Rana Vs. State of Punjab and others', decided on 05.02.2019'****. It was concluded that respondents were not able to distinguish the cause of writ petitioner from that of Yash Pal Singh Rana. Writ petition was accordingly allowed in the same terms with the difference that interest at the rate of 6% per annum instead of 9% was ordered.*

5. Aggrieved therefrom, present appeal has been filed.

6. Learned counsel for appellants submits that Instructions dated 25.04.2017 are categoric, therefore directions by learned Single Bench are unjustified. Appointment of writ-petitioner on the post of Section Officer had to be treated as fresh appointment and he was not entitled to counting of his service for the purpose of pension with the respondent-Corporation as qualifying service for the purpose of pension. It is thus prayed that present appeal be allowed.

7. We have heard learned counsel for appellants and have perused the file carefully with his able assistance, however, we do not find any ground to cause interference in this matter.

8. It is to be noted that the import and effect of Instructions dated 25.04.2017 have already been considered by this Court in ***LPA No. 2445 of 2024, titled State of Punjab and others Vs. Om Parkash and others*** *with the appeal filed by State of Punjab being dismissed. In the present case also, writ-petitioner had been appointed through proper channel while in service. His representation for counting his service with the respondent-Corporation as qualifying service for the purpose of pension was duly submitted.*

9. It is to be noted, at this stage that in a number of writ petitions involving similar controversy, respondent has already granted relief to the employees therein and counted the service rendered by them with the Corporations which had not been wound up, for the purpose of pension. This fact is not denied by learned counsel for appellants.

10. Learned counsel for appellants is unable to point out any illegality, infirmity or perversity in the impugned order dated 28.08.2024, passed by learned Single Bench, which calls for interference by this Court."

x x x x

16. Further, a Division Bench of this Court in ***CWP No.2246 of 2008—Rai Singh and another Vs. Kurukshetra University,***

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Kurukshetra, decided on 18.08.2008, has held that once the employees have been regularised and are held entitled to pension by counting adhoc service, exclusion of service on contract basis will be discriminatory as the appointment on contract basis is a type of adhoc service. Relevant portion from the said judgment reads as under:-

> *"7. Once the employees have been regularised and are held entitled to pension by counting adhoc service, exclusion of service "on contract basis" will be discriminatory. Appointment on contract basis is a type of adhoc service. Mere fact that nominal breaks are given or lesser pay is given or increments are not given, is no ground to treat the said service differently. Beneficial provision for pension having been extended to adhoc employees, denial of the said benefit to employees working on contract basis, who also stand on same footing as employees appointed on adhoc basis cannot be held to be having any rational basis. Judgment of this Court in Kesar Chand (supra) is fully applicable."*

17. Keeping in view the above, the present petition is allowed. The respondents are directed to take into account the service rendered by the petitioner in ESPL and Department of Information Technology, Punjab, for the purpose of computing pension and other pensionary benefits such as leave encashment, gratuity and commutation of pension, etc. and release the necessary benefits to the petitioner within a period of four months, from the date of receipt of a certified copy of this order.

08.12.2025 **(NAMIT KUMAR)**
Vinay **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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