



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

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CWP-13554-2019 (O&M)
Date of decision: 25.08.2025

Naresh Kumar

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.D. Sharma, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Ms. Neha Randhawa, Advocate
for Mr. Parambir Singh, Advocate
for respondents No.2 and 3.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to release the revised pension, revised leave encashment and two annual grade increments for adhoc period along with 15% interest, including interest on revised gratuity.

2. Learned counsel for the petitioner, *inter alia*, contends that the controversy involved in the present case is squarely covered by the judgment of Full Bench in ***Kesar Chand vs State of Punjab and others, 1989(II) RSJ 629***, with regard to granting the benefit of post service rendered by the petitioner from 07.04.1983 to 23.03.1988. He further submits that learned counsel for respondents No.2 and 3 has been



directed to file an additional affidavit on 08.01.2024, however, the additional affidavit of Vinod Kumar, Secretary, Market Committee, Ludhiana, filed on behalf of respondents No.2 and 3 on 05.04.2025, does not indicate that post service rendered by the petitioner as adhoc service for the aforementioned period has been counted towards revised pension, gratuity and other pensionary benefits.

3. Learned counsel for respondents No.2 and 3 is not in a position to provide any explanation with regard to non-compliance of the direction issued by this Court.

4. Having heard learned counsel for the parties and after perusal of the record, it transpire that admittedly, the petitioner has rendered adhoc service from 07.04.1983 to 24.03.1988 and as such, his case is squarely covered by the Full Bench judgment of this Court in ***Kesar Chand's case (supra)***. The petitioner seeks counting of his adhoc service for the aforementioned period, towards his pension, gratuity and other pensionary benefits. The additional affidavit filed by respondents No.2 and 3 has not controverted the claim of the petitioner or has furnished any explanation as sought by this Court vide order dated 08.01.2024. The case of the petitioner is required to be considered in terms of Full Bench judgment of this Court in ***Kesar Chand's case (supra)*** and ***Joginder Singh vs. State of Haryana, 1998(1) SCT 795, Hazura Singh vs. State of Punjab and another, 2003(4) RSJ 336 and Nasib Singh vs. The State of Punjab and another, 1999(4) SCT 233 (P&H): 1999(4) RSJ 244.***



5. In view of the above, this Court is of the considered opinion that the service rendered by the petitioner on adhoc service should be counted as qualifying service for pensionary benefits.

6. Consequently, the present petition is disposed and respondents No.2 and 3 are directed to count the service rendered by the petitioner on adhoc basis towards qualifying service for calculating pension, gratuity and other pensionary benefits. The necessary calculations and disbursements shall be made within a period of three months from the date of receipt of a certified copy of this order. Any further delay would entail interest @ 7.5.% per annum in terms of ***A.S. Randhawa Supg. Engineer (Retd.) vs. State of Punjab 1998 (1) SCT 343.***

(HARPREET SINGH BRAR)
JUDGE

25.08.2025
yakub

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