



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

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**CWP-23153-2022 (O&M)
Decided on : 27.05.2025**

PAIRU RAM

. . .Petitioner

Versus

STATE OF PUNJAB AND OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. F. S. Virk, Advocate for the petitioner.

Mr. Rahul Rampal, Additional Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Reply filed by the learned State counsel, is taken on record.
2. In the present petition, the challenge is to the impugned order dated 30.05.2022 (Annexure P-1) by which, the benefit of the service rendered by the petitioner as work Mistri from 27.02.1965 to 28.12.1975 in the Beas Dam Project, Talwara has not been taken into account as the qualifying service for computing the retiral benefits after the retirement of the petitioner from Ranjit Sagar Dam Project, Shahpur Kandi after rendering service from 07.09.1984 to 31.05.1998.
3. Learned counsel for the petitioner submits that the total length of service of the petitioner should be taken into account for computing the pensionary benefits, which has not been done by the respondents on the ground that the petitioner rendered service in two different projects and



therefore, the work charge service rendered by the petitioner in the Beas Dam Project cannot be brought under the same umbrella.

4. Learned counsel for the respondents-State reiterates the same stand, that once, service is rendered under two different projects, hence, benefit of earlier service rendered by the petitioner in the Beas Dam Project, Talwara from 27.02.1965 to 28.12.1975 could not have been granted towards qualifying service and the impugned order dated 30.05.2022 (Annexure P-1) passed by the Chief Engineer water resources department, Punjab is perfectly valid and legal.

5. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

6. It may be noticed that the Beas Dam Project, Talwara and, the Ranjit Sagar Dam Project, Shahpur Kandi was under the same administrative department i.e. the irrigation department. Once, the petitioner was working in the same department even though on a particular Dam Project and, had worked for a period of 10 years and thereafter, he was retrenched from Beas Dam Project, Talwara and was given appointment in Ranjit Sagar Dam Project, Shahpur Kandi, which project is also in the same department, the earlier service rendered by the petitioner in the Beas Dam Project cannot be taken away by the respondents-department so as to deny the pensionary benefits to the petitioner.

7. Nothing has come on record that after the petitioner was retrenched from the Beas Dam Project, Talwara, the benefit of 10 years service was given to the petitioner qua leave encashment, gratuity or any



other benefits.

8. Once, the said benefit was never extended to the petitioner and the petitioner was appointed in Ranjit Sagar Dam Project, Shahpur Kandi from where he retired on 31.05.1998, the total length of service should have been taken into account as a qualifying service for computing the pensionary benefits.

9. As per the judgment passed by the Full Bench of this Court in *Kesar Chand v. State of Punjab and others'*, AIR 1988 Punjab 265, even the ad-hoc service rendered by an employee is liable to be taken into account as qualifying service for computing the benefits of pensionary benefits, but in the present case, 10 years service rendered by the petitioner in the Beas Dam Project, Talwara from 27.02.1965 to 28.12.1975 has not been taken into account by the respondents while computing the pensionary benefits admissible to the petitioner after his retirement.

10. Keeping in view the above facts and circumstances, the order dated 30.05.2022 (Annexure P-1) is hereby set-aside and respondents are directed to re-calculate the retiral benefits of the petitioner by taking into account the total length of service which the petitioner has rendered in the Beas Dam Project, Talwara from 27.02.1965 to 28.12.1975 as well as in Ranjit Sagar Dam Project, Shahpur Kandi from 07.09.1984 to 31.05.1998 as qualifying service for computing the pensionary benefits.

11. The recomputed pensionary benefits will be made admissible to the petitioner after adjusting the benefits which were already paid to the petitioner at the time of retirement.



12. Let the present order be complied with within a period of 08 weeks from the date of receipt of copy of this order.
13. The present petition stands allowed in above terms.
14. Civil Miscellaneous application pending if any is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

27.05.2025

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No