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

(109)

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Date of Decision : August 25, 2025

Union of India and another

.. Petitioners

Versus

Central Administrative Tribunal, Chandigarh and another

.. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Sudhir Nar, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 03.05.2023 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as 'Tribunal') by which, the benefit of pension has been allowed in favour of the respondent No.2 by recording a finding that the period of service which the respondent No.2 had rendered as Seasonal Waterwoman from the year 1983 onwards is to be considered for the grant of pensionary benefits, on the ground that the same is perverse.

2. Learned counsel for the petitioners argues that though, respondent No.2 was appointed on 19.04.1983 as a Water Carrier on seasonal basis but she only got the screened on 26.06.1999 and was brought on the



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regular establishment as a Railway servant on temporary basis and therefore, starting from the said date, the total qualifying service was computed which was less than 10 years upto the date of her superannuation which was 30.04.2008 as the respondent No.2 retired after rendering 9 years, 2 months and 28 days of service hence, the grant of pensionary benefit by the Tribunal vide order dated 03.05.2023 is incorrect.

3. We have heard learned counsel for the petitioners and have gone through the record with his able assistance.

4. A bare perusal of paragraph 2 of the order passed by the Tribunal would show that respondent No.2 was appointed on 19.04.1983. In the year 1986 and 1987, she had worked for more than 120 days i.e. 165 and 166 days respectively, which fact was conceded by the learned counsel for the petitioners even during the hearing of this writ petition hence, even as per respondents, the respondent No.2 was entitled for consideration of her claim to be treated as a temporary employee in the year 1986 itself.

5. Learned counsel for the petitioners concedes that no consideration was given at the relevant time i.e. 1986 to treat respondent No.2 to be working on temporary basis instead of casual employee.

6. Had, the petitioners considered the claim of the respondent No.2 in the year 1986 of 1987 wherein, respondent No.2 had completed more than 120 days, respondent No.2 would have got more than 10 years service to her credit so as to grant her the pensionary benefits. The non-consideration of the claim of respondent No.2 was entirely the decision of the petitioners.

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7. Further, it may be noticed that from the year 1983 till 1990, the respondent No.2 had worked for more than 910 days, which is more than two and half years. In case, even the benefit of the said period is given to the respondent No.2 after she attained the age of superannuation, she completes 10 years of service so as to become entitled for the grant of pensionary benefits.

8. Nothing evident has been shown to this Court that any service rendered by an employee while working on a casual basis prior to being treated as temporary employee which grants all the benefits of a regular employee, the same has to be excluded while considering the qualifying service. Even if, there would have been a rule, the same could not have been upheld.

9. Further, as per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.6798 of 2019 titled as Prem Singh vs. State of Uttar Pradesh and others, decided on 02.09.2019***, it has been held that any casual service rendered by an employee has to be taken into account for computing the qualifying service. The relevant paragraphs of the said judgment are as under:-

“33. As it would be unjust, illegal and impermissible to make aforesaid classification to make the Rule 3(8) valid and non discriminatory, we have to read down the provisions of Rule 3(8) and hold that services rendered even prior to regularisation in the capacity of work-charged employees, contingency paid fund employees or non- pensionable establishment shall also be counted towards the qualifying



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service even if such service is not preceded by temporary or regular appointment in a pensionable establishment.

34. XXX XXX XXX XXX

35. *There are some of the employees who have not been regularized in spite of having rendered the services for 30-40 or more years whereas they have been superannuated. As they have worked in the work-charged establishment, not against any particular project, their services ought to have been regularized under the Government instructions and even as per the decision of this Court in [Secretary, State of Karnataka & Ors. v. Uma Devi](#) 2006 (4) SCC 1. This Court in the said decision has laid down that in case services have been rendered for more than ten years without the cover of the Court's order, as one time measure, the services be regularized of such employees. In the facts of the case, those employees who have worked for ten years or more should have been regularized. It would not be proper to regulate them for consideration of regularisation as others have been regularised, we direct that their services be treated as a regular one. However, it is made clear that they shall not be entitled to claiming any dues of difference in wages had they been continued in service regularly before attaining the age of superannuation. They shall be entitled to receive the pension as if they have retired from the regular establishment and the services rendered by them right from the day they entered the work-charged establishment shall be counted as qualifying service for purpose of pension.”*

10. Keeping in view the totality of the circumstances that from 19.04.1983 till 10.08.1990 for a period of seven years, more than two and half years i.e. 910 days of service was rendered by respondent No.2, which is being ignored by the petitioners for computing the qualifying service for

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considering the respondent No.2 to be working as casual employee hence, the order dated 03.05.2023 (Annexure P-1) passed by the Tribunal directing the petitioners to take into consideration the said service, which if taken, will ensure the pension to respondent No.2 as she will have more than 10 years of service to her credit, no ground is made out for any interference by this Court qua the order dated 03.05.2023 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench.

11. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

August 25, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No