



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

CWP-32347-2019

Date of decision: 29.10.2025

Jagmohan Singh

....Petitioner

Versus

Punjab State Power Corporation Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Punia, Advocate
for the petitioner.

Mr. Alok Mittal, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of *Mandamus* for directing the Respondents to grant and release the pensionary and retiral benefits to the petitioner along with interest @ 9% per annum from the date of his retirement, treating him as a regular employee by virtue of his continuous service of over 33 years.

FACTUAL BACKGROUND

2. Briefly stated, the petitioner joined the service of the Punjab State Electricity Board (PSEB), the predecessor of Respondent No.1-Punjab State Power Corporation Limited (PSPCL), as a Work Charge/Store Attendant on a work-charge basis on 03.03.1980. Thereafter, the petitioner was promoted to the post of Regular Lab Attendant vide Memo No.2161-GF-31 dated 31.03.1986 and he assumed the charge of the promoted post on 09.04.1986.



3. On 07.10.1999, a charge sheet was issued to the petitioner on the ground that the post of Lab Attendant required a minimum qualification of matriculation, which the petitioner did not possess. Subsequently, vide Office Order No.19/C-12 dated 12.05.2000, the petitioner was demoted from the post of Regular Lab Attendant and reverted to his original post of Work Charge Store Attendant. He joined as such on 30.06.2000. Ultimately, the petitioner retired from service after rendering a total service of over 33 years on 30.09.2013.

4. However, upon retirement, the petitioner was denied pension and all other retiral benefits. The petitioner made repeated representations to the authorities for the release of his pensionary benefits, contending that a work-charge employee rendering continuous service for over 33 years is deemed to be regularized and is thus entitled to pension. A detailed representation was filed on 07.07.2017 (Annexure P-2).

5. The respondent authorities corresponded internally regarding the petitioner's claim for pension and ultimately, it was rejected. A legal notice was sent by the petitioner on 30.08.2019 (Annexure P-5), which was replied to by the Respondents on 25/27.09.2019 (Annexure P-6), reiterating the stand that the petitioner was not entitled to pension.

6. The petitioner had initially filed CWP No. 31328 of 2019, which was dismissed as withdrawn on 30.10.2019 (Annexure P-7) with liberty to file a fresh petition, leading to the filing of the present writ petition.

CONTENTIONS

7. Learned counsel for the petitioners *inter alia* contends that having rendered uninterrupted service for over 33 years from 1980 to 2013, the



petitioner is deemed to be in regular service as per the settled principles of service jurisprudence. Reliance has been placed upon the Full Bench judgment of this Court in ***Kesar Chand v. State of Punjab & Ors., 1998 (5) SLR 27***; the Division Bench judgments of this Court in ***Harbans Lal v. State of Punjab & Ors., 2012 (3) SCT 362*** and ***State of Haryana & Ors. v. Jai Bhagwan (LPA No.1892 of 2019)***; as well as the judgment of the Hon'ble Supreme Court in ***Dakshin Haryana Bijli Vitran Nigam & Ors. v. Bachan Singh (Civil Appeal No.4903 of 2009, decided on 11.09.2009)***. In these decisions, it has been categorically held that work-charge service is to be counted as qualifying service for the purposes of pension and other retiral benefits.

8. The petitioner also placed reliance on the judgment of this Court in ***Munsha Singh & Anr. Vs. HSEB & Ors. (CWP No.806 of 1998)*** decided on 08.11.2011, wherein it was held that an employee working on a work-charge basis for more than 30 years is entitled to all retiral benefits, including pension. Furthermore, it was submitted that even after the demotion of the petitioner, he continued to perform the duties of a Lab Attendant, and the Respondents continued to avail his services in that capacity.

9. Moreover, learned counsel for the petitioner submits that he would be satisfied in case the issue involved in the present petition is considered and decided by the Empowered Committee constituted under the Punjab Dispute Resolution & Litigation Policy, 2020 (hereinafter 'Punjab Litigation Policy') which was notified vide notification dated 25.06.2020.

10. *Per Contra*, learned counsel for the respondents submits that the petitioner was promoted as Lab Attendant on 09.04.1986, but was subsequently reverted on 12.05.2000 for failing to furnish the requisite educational



qualification certificates for the said post. It is contended that the plea of the petitioner that he continued to discharge the duties of Lab Attendant even after reversion is factually incorrect. According to the respondents, the petitioner joined as Work-Charge Store Attendant and continued in the said capacity till his retirement. Therefore, it is submitted that, not being a regular employee, the petitioner is not entitled to pension or other retiral benefits.

11. The learned counsel further submitted that he has no objection in case a direction is issued to the Empowered Committee constituted under the Punjab Litigation Policy for time-bound consideration and decision of the issue involved in the present petition by passing a speaking order.

OBSERVATION & ANALYSIS

12. I have heard the learned counsel for the parties and have perused the record with their able assistance.

13. In compliance with the order dated 20.03.2025 passed by this Court in ***CWP No. 7727 of 2025*** titled ***Paramjit Kaur vs. State of Punjab and others*** and ***CWP No. 7728 of 2025*** titled ***Major Singh vs. State of Punjab and others***, the Government of Punjab vide letter dated 16.04.2025, has constituted an Empowered Committee to address the various issues raised by the employees.

14. In view of the above, the present petition is disposed of in the following terms:

- i. The Empowered Committee constituted under the Punjab Litigation Policy is hereby directed to treat the present writ petition as a comprehensive representation and to consider and adjudicate upon the issue raised herein. In the alternative, the petitioner shall be at liberty to submit a detailed representation



setting out his claim within a period of two weeks from the date of receipt of a certified copy of this order.

ii. The Committee shall pass a reasoned and speaking order, after granting an opportunity of personal hearing to the petitioner, within a period of three months from the date of receipt of a certified copy of this order, or from the date of receipt of the petitioner’s representation, as the case may be. Further, the decision taken thereof shall be conveyed to the petitioners. Needless to say, if the petitioners are found entitled to the relief sought, the same shall be granted to them forthwith.

15. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

29.10.2025
Neha

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