



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

RSA-2644-2022 (O&M)

Date of Reserve:- 02.09.2025

Date of Pronouncement:-31.10.2025

State of Punjab & ors.

.....Appellants

vs.

Tripta Kumari

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ravneet Singh Joshi, Addl.A.G, Punjab

Mr. Karanbir Singh, Advocate
for the respondent.

SUDEEPTI SHARMA J.

CM-9144-CI-2022

This is an application filed under Section 151 CPC read with Section 5 of the Limitation Act for condonation of delay of 416 days in filing of the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 416 days in filing the above appeal is condoned.

RSA-2644-2012

1. The present regular second appeal is preferred against judgment and decree dated 03.09.2019 passed by learned District Judge, Amritsar whereby, the appeal filed by the respondent against judgment and decree dated 30.08.2017 passed by learned Civil Judge (Jr. Divn.), Amritsar, is partly allowed in her favour.

2. Brief facts of the case as per civil suit are that the respondent was



Selection Committee. Thereafter, her services were regularized w.e.f 01.10.1980 vide order dated 30.01.1981. Later on, vide order dated 12.09.1994, the services rendered by her on adhoc basis were regularized w.e.f 15.02.1972 by the appellant-department. She retired from the regular service of the appellant-department on 31.10.2011. As per the pleadings, the respondent was not granted Junior Assistant and Senior Assistant scale by the appellant-department whereas her juniors were granted the same during their service tenure. Further that even the Assured Career Progression (ACP)/proficiency step up increments, granted to her on completion of 8/18 years of service on 01.03.1986/01.03.1990 respectively were also withdrawn by the appellant. Despite other grievance in the civil suit, the respondent pleaded that the appellants wrongly calculated the pension of the respondent by counting her service from 01.10.1980 to 31.10.2011 whereas the respondent joined the services on 15.02.1972, which was regularized by the appellant. The appellant had counted 31 years of service of the respondent for pensionary benefits whereas she had actually rendered 39 years 08 months of service. She made representation and thereafter, she filed civil suit for declaration to the effect that period of 39 years and 08 months of service be counted towards qualifying service for the purpose of calculating pensionary benefits and fix her pay after sanctioning ACP on completion of 8/18 years of service w.e.f 15.02.1972 and to make the payment of the recovered amount of Rs.10,656/-, which were illegally deducted from the gratuity of the respondent. The civil suit filed by the respondent was dismissed, vide judgment and decree dated 30.08.2017 passed by learned Civil Judge (Jr. Divn.), Amritsar. Thereafter, she filed appeal against the same, which was partly allowed vide judgment and decree dated 03.09.2019 passed by learned District Judge, Amritsar and the civil suit filed by the respondent was partly allowed and it was held that the temporary service



rendered by the respondent as Clerk from 15.02.1972 to 01.10.1980 was to be counted towards qualifying service for the purpose of pension and the appellant was directed to refix the pension of the respondent accordingly and arrears thereof be released to her. Hence the present regular second appeal.

3. Learned counsel for the appellant contends that judgment and decree dated 03.09.2019 passed by learned District Judge, Amritsar is against law and facts and is therefore liable to be set aside. He, therefore prays that the present appeal be allowed.

4. Per contra, learned counsel for the respondent contends that there is delay of 416 days in filing of the present appeal. He further contends that judgment and decree dated 03.09.2019 passed by learned District Judge, Amritsar is well reasoned judgment. He, therefore prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

6. A perusal of the record shows that the appellant did not count the temporary service of the respondent from 15.02.1972 to 01.10.1980. The case of the respondent is squarely covered by Division Bench judgment passed by this Court in a case of **Harbans Lal vs. State of Punjab and others, 2012(3) SCT 362** whereby by relying upon Full Bench judgment of this Court in a case of **Kesar Chand vs. State of Punjab, 1988 (2) PLR 223** it was held that entire daily wage service of the petitioner therein from 1988 till date is to be counted towards qualifying service for pension.

7. Further this Court in a case of **State of Haryana and others vs. Jai Bhagwan** passed in LPA No. 1892-2019 and connected cases, decided on

26.07.2024 while relying upon Division Bench judgment passed by this Court in



case of *Harbans Lal vs. State of Punjab and others, 2012(3) SCT 362* dismissed the appeal (s) filed by the State and held that the service rendered by the respondent (s) on adhoc basis shall be counted as qualifying service for pensionary benefits.

8. Full Bench of this Court in a case of *Kesar Chand vs. State of Punjab, 1988 (2) PLR 223* held that the service rendered by the work charge employees cannot be ignored for the purpose of pensionary benefits.

9. In view of the above referred to judgments, the service rendered by the respondent on *ad hoc* basis before regularization shall be counted as qualifying service for pensionary benefits. Therefore, I do not find any infirmity in judgment and decree dated 03.09.2019 passed by learned District Judge, Amritsar and the same is upheld.

10. Accordingly, the present regular second appeal is **dismissed**. Decree sheet be prepared accordingly.

11. Pending application (s) if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

31.10.2025
Gaurav Arora

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