



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

137

CWP-6515-2026 (O&M)
Date of decision: 05.03.2026

Veena Rani

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sparsh Chhibber, Advocate
for Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Akash Vashisth, Advocate
for respondent/PSPCL.

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 *certiorari*, for quashing the condition No.7 of the order dated 15.03.2024 (Annexure P-3) passed by respondent No.4 vide which the petitioner has been declined the benefit of Old Pension Scheme and is to be regulated by the New Contributory Pension Scheme (CPF), despite the fact that the petitioner is working with respondent/Department since 14.07.1995 as part-time Sweeper. Further a writ of *mandamus* has been sought, directing the respondents to grant the benefits of Old Pension Scheme to the petitioner since 14.07.1995. Further prayer has been made to quash the part of the office order No.205 dated 01.08.2025



(Annexure P-7) passed by respondent No.3, vide which arrears of the salary have been declined to the petitioner despite being regularised from 10.04.2006. Another prayer has been made to direct the respondents to make payment of arrears of salary from 12.07.2011 to 13.05.2024, in terms of orders dated 08.05.2019 passed by this Court in CWP No.19152 of 2014.

2. Learned counsel for the petitioner, *inter alia*, contends that once the petitioner has been regularized, she cannot be denied the benefit of the service rendered by her as a part-time employee from 14.07.1995 as qualifying service for the purpose of pensionary benefits. He further submits that the case of the petitioner is squarely covered by the Full Bench judgment of this Court in ***Kesar Chand and others v. State of Punjab and others, 1988(5) SLR 25***, and Division Bench judgment of this Court in ***Harbans Lal v. State of Punjab and others, 2012(3) SCT 362***. Learned counsel for the petitioner further relies upon the judgment passed by this Court in ***Jeewan Lata vs State of Punjab and others, 2019(4) SCT 271***, and submits that continuous part-time service followed by regularization shall be counted as qualifying service for pension and therefore, the action of the respondents in denying pensionary benefits to the petitioner is contrary to the settled law.

2.1. Learned counsel for the petitioner further places reliance on a judgment of this Court in ***State of Haryana and others vs. Jai Bhagwan, 2024 NCPHHC 095763***, wherein the part-time employees subsequent to their regularization were granted the benefit of counting



of past service as qualifying service for the purpose of pension and pensionary benefits. In support of claim of the petitioner, learned counsel for the petitioner also relies upon another judgment of this Court passed in **CWP-12826-2017** titled as ***Rajesh Kumar and others vs. State of Punjab and others***, decided on **22.12.2025** along with a bunch of petitions.

3. *Per contra*, learned State counsel as well as learned counsel for respondent/PSPCL are not in a position to controvert the fact that the part-time service rendered by the petitioner is liable to be taken into consideration in terms of the Division Bench judgment of this Court in ***Harbans Lal's case (supra)*** which was affirmed by the Hon'ble Supreme Court and Full Bench of this Court in ***Kesar Chand vs. State of Punjab, 1988 (2) PLR 223***, wherein while interpreting Rule 3.17 of the Punjab Civil Services Rules, it was held that the benefit of counting past service rendered by an employee prior to regularization is liable to be granted towards qualifying service for the purposes of pension.

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

5. From the perusal of the record, it is evident that the petitioner was serving the respondent/PSPCL since the year 1995 prior to cut-off date i.e. 01.01.2004, when the New Pension Scheme came into effect. There is no denial to the fact that services of the petitioner were regularized w.e.f. 10.04.2006 and vide order dated 15.03.2024 (Annexure P-3) it was ordered that the services of the petitioner would



be governed by the New Defined Contributory Pension Scheme. The grievance raised by the petitioner, in the present petition, is that since she had entered into service prior to 01.01.2004 and had continuously worked with the respondents before her regularization, the said service is liable to be taken into consideration as qualifying service. Consequently, the petitioner claims that she is entitled to be governed under the Old Pension Scheme and not the New Contributory Pension Scheme.

6. Further, the issue involved in the present petition is no longer *res integra* and is squarely covered by the judgment in **CWP-12826-2017** titled as ***Rajesh Kumar and others vs. State of Punjab and others*** decided on **22.12.2025**, wherein it has been categorically held that part-time/daily wage service followed by regular service is liable to be counted towards qualifying service for the purpose of pension. Consequently, the action of the respondents in denying pensionary benefits to the petitioner under the Old Pension Scheme is unsustainable in the eyes law.

7. Reliance in this regard can also be placed on the judgment rendered by this Court in **CWP-626-2015**, titled as ***Zile Singh vs. State of Haryana*** decided on **17.03.2015** wherein duration of services rendered by a sweeper on part time, before regularisation, was ordered to be counted towards pensionary benefits. The same was also upheld by a Division Bench of this Court in **LPA-426-2016** titled as ***State of***



Haryana and others vs. Zile Singh decided on **18.03.2016**. The relevant part is reproduced below:

*“This appeal is directed against the judgment of the learned Single Judge dated 17.3.2015 holding the respondent – employee entitled to the benefit of previous service rendered by him on work charge basis towards qualifying service as pension in terms of the Full Bench titled as **Kesar Chand vs. State of Punjab and others AIR 1988, P&H 265.***

Learned counsel for the appellant while impugning the said judgment refers to Rule 3.17 A to contend that the respondent-employee was engaged on part time basis and would thus not be entitled to have this service counted for qualifying service. Rule 3.17 A is extracted hereinbelow:-

3.17-A(1) Subject to the provision of rule 4.23 and other rules and except in the cases mentioned below, all service rendered on establishment, interrupted or continuous shall count as qualifying service:-

(i) Service rendered in work-charged establishment.

(ii) Service paid from contingencies:

Provided that after the 1st January, 1973 half of the service paid from contingencies will be allowed to count towards pension at the time of absorption in regular employment subject to the following conditions:-

(a) Service paid from contingencies should have been in a job involving whole time employment (and not part time or for a portion of the day).

(b) Service paid from contingencies should have in a type of work or job for



which regular post could have been sanctioned e.g. Malis, Chowkidars, Khalasis, etc.

(c) The service should have been one for which the payment is made either on monthly or daily rates computed and paid on a monthly basis and which though not analogous to the regular scale of pay should bear some relation in the matter of pay to those being paid for similar jobs being perform by staff in regular establishment.

(d) The service paid from contingencies should have been continuous and followed by absorption in regular employment without a break.

Apparently service rendered in work charge establishment is included but excluded if it is part time or for a portion of the day as is suggested by Rule 3.17 A(ii) (a).

*We find that the employee was engaged on work charge basis in the year 1996 and his services were regularized on 24.5.2013 in terms of the regularization policy applied to him. There is nothing on record to suggest that employee's services were being paid from contingencies as this issue was never pleaded or raised before the writ Court. It is only for the first time that such a plea is raised before this Court in LPA which we shall not permit. **There is also nothing on record which would even remotely suggest that the service of the employee was engaged only for contingencies and if the long term of employment is to be seen it clearly defies such a stand of***



the respondents. If a person can be engaged from 1996 till 2013 it could hardly be visualized to be a contingency as the need evidently was permanent.

8. Furthermore, the question of law as to whether, the part time service is to be counted for computing the pensionary benefits again came up for consideration before this Court in **CWP-1048-2016** titled as ***Jai Bhagwan vs. State of Haryana and others***, decided on **01.03.2019**. In the said case also, keeping in view the decision of the Coordinate Bench of this Court in ***Zile Singh's case (supra)*** as well the order passed in **LPA-426-2016**, the benefit of the service which an employee had rendered on part-time basis continuously for more than 20 years was allowed to be computed as a qualifying service.

9. Once the petitioner has been regularized in view of perennial nature of services, which she has rendered since the year 14.07.1995, she is entitled to the same benefit for the purpose of pensionary benefits as well.

10. In the wake of aforesaid discussions, the present petition is partly allowed and the respondents are directed to count the past service/part time service rendered by the petitioner for the purpose of qualifying service and to extend to her the benefit of the Old Pension Scheme within a period of three months from the date of receipt of a certified copy of this order. If the petitioner has received any amount under the CPF Scheme, the same shall be paid/returned by the petitioner.



11. However, insofar as the prayer relating to payment of arrears of salary for the period from 12.07.2011 to 13.05.2024 is concerned, the same cannot be entertained in the present proceedings. The record reveals that the petitioner had already approached this Court in **CWP-19152-2014**, which stood allowed vide judgment dated 08.05.2019. Once the said writ petition has already been adjudicated upon and the relief has been granted to the petitioner therein, then, she cannot be permitted to re-agitate the same issue again in the present petition. It is, however, clarified that the petitioner shall be at liberty to avail her remedies, if any, in accordance with law.

12. Pending application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

05.03.2026
yakub

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