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Contributory Pension Scheme applicable to employees appointed after 01.01.2006. The petitioners' claim is based upon the judgment rendered by the Division Bench of this Court in 'Harbans Lal Vs. The State of Punjab and others' 2012 (3) SCT 362 as well as the judgment of Full Bench of this Court in 'Kesar Chand Vs. State of Haryana and others' 1988 (2) PLR 223, and submits that petitioners are governed by the Old Pension Scheme by counting their past service as qualifying service for the purpose of pension. There is no denial to the fact that the petitioners prior to their regularization on 28.08.2006 have continuously rendered their services as a daily wager since the year 1993 - 1995. Further, the Division Bench of this Court in LPA No.1892 of 2019 titled as ***State of Haryana and others Vs. Jai Bhagwan*** decided on 26.07.2024 (Annexure P-12) and this Court in CWP No.1672 of 2026 titled as '***Bimla Devi Vs. Punjab State Power Corporation Ltd. and others***' decided on 23.01.2026, has granted the benefit of past service followed by regularization to even part time employees. The action of the respondents in counting the petitioners' pre-regularization service for pensionary benefits is contrary to the settled law.

3. Learned counsel for respondents No.2 to 5 is unable to distinguish the case of the petitioners from the cases of the petitioners in ***Harbans Lal (supra)***, ***Jai Bhagwan (supra)*** and ***Bimla Devi (supra)***, particularly in view of the fact that the Division Bench judgment of this Court in ***Harbans Lal (supra)*** has been affirmed by the Hon'ble Apex Court.

4. Having heard learned counsel for the parties and after perusal of



the record with their able assistance, it transpires that the petitioners have been continuously in service since the years 1993–1995 as daily wage employees and were subsequently regularized on 28.08.2006 (Annexure P-4). A core issue in the present petition is whether the petitioners' pre-regularization service must be counted as qualifying service for pensionary benefits under the Old Pension Scheme.

5. It is now well-settled that service rendered in a temporary/daily wage capacity before regularization must be counted as qualifying service for pension, particularly, where the employee was in service before the cut-off date for applicability of the new pension scheme. In *Bimla Devi's case (supra)*, this Court applying the ratio in *Harbans Lal (supra)*, held that the period of services as a daily wager rendered up to the date of regularization must be treated as qualifying service for pension.

6. In the wake of above discussion and findings, this Court is of the considered opinion that the present petition deserves to be allowed and the impugned order dated 02.12.2025 (Annexure P-15) is hereby set aside. The respondents are directed to count the past service/part time service rendered by the petitioners for the purpose of qualifying service and to extend them 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 as per judgments rendered by this Court in *Harbans Lal v. State of Punjab, CWP No.2371 of 2010* and *State of Haryana and others v. Jai Bhagwan, LPA No.1892 of 2019*. Any amount

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contributed towards the Provident Fund shall be adjusted at the time of retirement of the petitioners while calculating the pensionary benefits.

(HARPREET SINGH BRAR)

JUDGE

11.03.2026

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No