



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-7614-2026 (O&M)
Date of decision: 13.03.2026

Gurmeet Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Mittal, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Sarbuland S. Mann, Advocate
for respondent No.3.

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 mandamus, directing the respondents to count his past service rendered on daily wage basis as a Pump Operator for the purpose of pensionary benefits. He further prays for issuance of direction to the respondents to recalculate and release his monthly pension and other retiral benefits, including Gratuity, Provident Fund and Leave Encashment along with interest @ 12% per annum.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was initially appointed as a Pump Operator on daily wage basis on 05.09.1998. Thereafter, the services of the petitioner were terminated without issuance of any formal order, compelling the



petitioner to approach this Court by filing CWP-3657-2001. However, the said writ petition was dismissed vide order dated 14.03.2001 (Annexure P-1). Subsequently, the petitioner filed Review Application No.195 of 2001 before this Court. During the pendency of the said review petition, the respondent No.3 agreed to take the petitioner back in service on the condition that the petitioner would withdraw the pending litigation. In view thereof, the petitioner re-joined the service as a Pump Operator and the review petition was dismissed as withdrawn vide order dated 22.01.2004 (Annexure P-3). Learned counsel for the petitioner further submits that the services of the petitioner were, thereafter, regularized on 04.06.2013 (Annexure P-4) and his appointment as Pump Operator was treated as fresh appointment in the prescribed pay scale. However, the past service rendered by the petitioner from the year 1998 to 2000 and from 10.10.2003 to 04.06.2013 has not been counted. The petitioner continued to discharge his duties till attaining the age of superannuation and ultimately, he retired from the service of respondent No.3 on 31.03.2019. However, at the time of retirement, the respondents did not grant pensionary benefits to the petitioner on the ground that the petitioner did not complete the requisite qualifying service of 10 years in regular service, as his earlier service rendered on daily wage basis had not been counted for pensionary benefits. Feeling aggrieved, the petitioner made several representations, including the representation dated 09.11.2024 (Annexure P-5) to the respondents requesting them to count his past



service rendered as a daily wager for the purpose of pension and other retiral benefits. When no action was taken by the respondents, the petitioner served a legal notice dated 22.01.2026 (Annexure P-6) requesting the respondents to release the retiral benefits after counting the past service rendered by him as a daily wager. Despite service of the said legal notice, neither the retiral benefits were released nor any reply was furnished by the respondents. Learned counsel for the petitioner relies upon the judgment rendered by this Court in **CWP-4590-2026**, titled as ***Jagdish vs. Punjab State Power Corporation Limited and others***, decided on **16.02.2026**.

3. *Per contra*, learned counsel for respondent No.3 is not in a position to controvert the fact that the petitioner was initially appointed as a Pump Operator on daily-wage on 05.09.1998 and he was regularized only on 04.06.2013. He further submits that the petitioner's regular service from 04.06.2013 until his retirement on 31.03.2019 is less than 10 years and, as such, he had rendered less than the required qualifying service for the grant of pensionary benefits. He further submits that the service rendered by the petitioner prior to the regularization was on daily wage basis and, therefore, the same cannot be counted towards qualifying service for 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 initially joined the service of the respondent/Municipal



Council as a Pump Operator on daily wage basis on 05.09.1998 and continued to work with the respondents for a considerable period. Although his services were terminated at one stage, however, he was subsequently reinstated during the pendency of the review proceedings pending before this Court and ultimately, his services were regularized on 04.06.2013. Thereafter, the petitioner continued to work with the respondents till his retirement on 31.03.2019.

6. Further, the controversy involved in the present case is no longer *res integra* and is squarely covered by the judgments rendered by this Court in **CWP-10238-2017** titled as ***Jeewan Lata vs. State of Punjab and others***, decided on **10.05.2019**, **CWP-12826-2017** titled as ***Rajesh Kumar and others vs. State of Punjab and others***, decided on **22.12.2025** along with bunch of petitions and **CWP-1672-2026**, titled as ***Bimla Devi vs. Punjab State Power Corporation Limited and others***, decided on **23.01.2026** and **CWP-4590-2026**, titled as ***Jagdish vs. Punjab State Power Corporation Limited and others***, decided on **16.02.2026**, 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 pension and other retiral benefits to the petitioner by not counting his past service rendered on daily wage basis cannot be sustained in the eyes of 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 provisions 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 been 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 performed 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. In view of the above discussions, the present writ petition is allowed. The respondents are directed to count the past service rendered by the petitioner on daily wage basis for the purpose of qualifying service and thereafter recalculate and release the pension and other retiral benefits including gratuity, leave encashment and provident fund, etc. to the petitioner. The aforesaid exercise shall be completed within a period of three months from the date of receipt of certified copy of this order. The petitioner shall also be entitled to interest @ 6% per annum on the delayed payment of the retiral benefits from the date the same became due till the date of actual payment.

9. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

13.03.2026
yakub

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