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

CWP-8220-2026

Date of decision: 18.03.2026

Manjit

...Petitioner

Versus

Punjab State Transmission Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. B.D. Sharma, Advocate
for the petitioner.Mr. Ishan Sharma, Advocate
for the respondent(s).**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside the impugned communication/reply dated 08.12.2025 (Annexure P-4) issued by respondent No.4. Further, for issuance of a writ in the nature of *mandamus* directing the respondents to consider the petitioner under Old Pension Scheme instead of National Pension Scheme after accounting her temporary service followed by the regular service as a qualified service for pensionary benefits as the petitioner joined the erstwhile PSEB (now PSPCL) on 01.12.1995 prior to the shifting of the old pension scheme in 2004 to National Pension Scheme and to release her arrears which fell due on her regularization since 15.03.2024 along with interest @ 18% from the date of accrual till actual payment.

2. Learned counsel for the petitioner *inter alia* contends that the



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petitioner worked as a part time Sweeper since 01.04.1995 continuously. Pursuant to circular dated 04.03.1999, her case was forwarded for regularization in February, 2010. Further, an industrial dispute was raised and the respondent-Corporation on 07.05.2014 formed a regularization committee. The claim of the petitioner for regularization was rejected and thereafter, she filed CWP No.3536 of 2018 titled as ***Manjit Kaur Vs. Punjab State Transmission Corporation Ltd. and others*** decided on 01.04.2024 (Annexure P-1) which was disposed of in terms of LPA No.95 of 2019 titled as ***Punjab State Power Corporation Ltd. And others Vs. Surinder Singh and others*** decided on 23.12.2022. On 13.03.2024, the service of the petitioner was regularized and she joined as regular Sweeper. The petitioner has not been provided benefit of her past service and her entitlement to be covered under the old pension scheme since the petitioner had initially joined the erstwhile PSEB on 01.12.1995 and on the basis of her continuous service, she was regularized on 13.03.2024 (Annexure P-2).

3. In support of his contentions, learned counsel for the petitioner has placed reliance on the judgment of Full Bench of this Court in 'Kesar Chand Vs. State of Haryana and others' 1988 (2) PLR 223, the judgment of the Division Bench of this Court in 'Harbans Lal Vs. The State of Punjab and others' 2012 (3) SCT 362 & 'State of Haryana and others v. Jai Bhagwan', LPA No.1892 of 2019 and the judgment of 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.

4. Learned counsel for the respondents is not in a position to



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controvert the fact that the petitioner initially joined the erstwhile PSEB on 01.12.1995 and she was regularized on the basis of her continuous service on 13.03.2024 (Annexure P-2).

5. Having heard learned counsel for the parties and after perusal of the record of the case, it transpires that the petitioner served the respondent-Corporation as a part time employee since 01.12.1995 and thereafter, she was regularized on 13.03.2024, as such, she is entitled to be given the benefit of her past service rendered as a part time employee for the purpose of calculating qualifying service for pensionary benefits. 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 No.10238 of 2017*** titled as '***Jeewan Lata Vs. State of Punjab and others***' decided on 10.05.2019, ***CWP No.12826 of 2017*** titled as '***Rajesh Kumar and others Vs. State of Punjab and others***' decided on 22.12.2025 along with bunch of petitions and ***Bimla Devi's case (supra)***, 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.

6. Reliance in this regard can also be placed on the judgment rendered by this Court in ***Zile Singh vs. State of Haryana*** in ***CWP-626-2015*** 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



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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, khalsis 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.



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(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.

(emphasis added)

7. In view of the above, the present petition is allowed in terms of ***Bimla Devi's case (supra)*** and the impugned communication/reply dated 08.12.2025 (Annexure P-4) is hereby set aside. 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.

(HARPREET SINGH BRAR)
JUDGE

18.03.2026

Neha

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