

2026:PHHC:045587



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

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CWP-8270-2023.

Date of Decision: 23.03.2026.

Randhir Singh

....Petitioner.

VERSUS

State of Haryana and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jai Bhagwan Tobria, Advocate for the petitioner.

Mr. Piyush Khanna, Additional Advocate General, Haryana
for respondents No.1 and 2.

Ms. Gehna Vaishnavi, Advocate for respondents No.3 and 4.

HARPREET SINGH BRAR, J.

The present petition has been preferred under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to count the full period (01.01.1981 to 31.03.1993) of daily wages service rendered by the petitioner in the length of regular service for the purpose of all pensionary benefits i.e. pension, gratuity, leave encashment, commutation of pension etc. along with interest at the rate of 18% per annum from the due date till the date of actual realization.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was initially appointed on daily wages as Beldar in February, 1981. Keeping in view his continuous service, he was regularized w.e.f. 31.03.1993 in terms of the Regularization Policy of the Government of Haryana dated

18.03.1994. The petitioner retired on 31.07.2017 on attaining the age of superannuation from the respondent-Municipal Corporation, Sonipat. However, his past service rendered from February, 1981 to 31.03.1983 was not counted as qualifying service for the purpose of pensionary benefits. Learned counsel further refers to Annexure P-1 and submits that the aforesaid report prepared on 31.12.1993 by the Chief Executive Officer of the Municipal Corporation, Sonipat, clearly indicates that the petitioner is in service since the year 1981 and only on the basis of his continuous past service, he was regularized. The similarly situated person namely Jagbir Singh has approached this Court by filing **CWP-8207-2017** titled as ***Jagbir Singh vs. State of Haryana and others***, which was allowed on 30.03.2022 and respondents were directed to count the service, rendered by the employee therein as daily wager, as qualifying service for the purpose of computing the pensionary benefits. The petitioner in CWP-8207-2017, had also served on daily wages since 01.06.1981 and he was regularized along with the petitioner on 31.03.1993.

3. *Per contra*, learned counsel for respondents No.3 and 4 submits that the daily wages service record of the petitioner is not available and the petitioner after retirement has now become dishonest and is seeking to take benefit of his past service rendered as daily wager, whereas during his service prior to the retirement, he has never agitated of calculating his past service as a qualifying period of service for the purpose of pensionary benefits.

4. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that respondents No.1 and 2 have filed a short reply. Perusal of the reply filed by respondents No.3 and 4 indicates that respondents No.3 and 4 have admitted that the petitioner was regularized on

31.03.1993, however, the relevant record of the petitioner rendering daily wage service is not available with respondents No.3 and 4. However, Para No.3 of the reply indicates that the contents of Para No.3 of the petition are matter of record regarding the Award dated 12.03.1993 passed by the Labour Court, Rohtak. Further, there is no specific denial to the fact that the petitioner has rendered daily wage service from 01.02.1981 till 31.03.1993. Moreso, it remained uncontroverted that on 01.12.1987 the daily wage service of the petitioner were wrongly and illegally terminated and he raised an industrial dispute and the Labour Court, Rohtak, passed an Award on 24.12.1993 granting reinstatement with continuity of service. The aforesaid fact has been admitted by respondents No.3 and 4 in their reply. Moreover, the identically circumstanced co-employee (Jagbir Singh), who was regularized along with the petitioner on 31.03.1993 serving under the respondent-Municipal Corporation, Sonipat, was granted the benefit and his writ petition was allowed in terms of Rule 3.17 (A) of the Punjab Civil Services Rules.

5. The issue regarding counting of past service rendered as daily wager to be qualifying service for the purpose of commuting the pensionary benefits is no longer *res integra*. The Full Bench of this Court in '**Kesar Chand Vs. State of Punjab and others**' AIR 1988 Punjab 265 and the Division Bench of this Court in '**Harbans Lal Vs. The State of Punjab and others**' 2012 (3) SCT 362 has categorically laid down the ratio of law that the daily wage service rendered by an employee to be counted towards qualifying service for commuting the pensionary benefits. Further the petitioner's subsequent regularization pursuant to the daily wage service entitles him to the benefit claimed in terms of Rule 3.17 (A) of the Punjab Civil Services Rules, which is *pari-materia* applicable to the case of the State of Haryana as

well. Moreover, this Court in **CWP-12826-2025** titled as **Rajesh Kumar Vs. State of Punjab**, while dealing with a similar issue, has granted the benefit of counting past service as a part time employee, as qualifying service for pension.

6. In view of the above, present petition is allowed. The petitioner is entitled to the differential amount and further any amount paid towards the contributory provident fund to be adjusted while re-commuting pensionary benefits.

7. Needless to say that the petitioner shall also be entitled to interest at the rate of 6% per annum, to be calculated from the date of filing of the petition till accrual realization and the same be released in his favour within a period of two months from the date of receipt of certified copy of this order.

8. The pending miscellaneous application(s), if any, shall also be disposed of.

(HARPREET SINGH BRAR)
JUDGE

23.03.2026

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No