



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

114

CWP-9621-2026

DATE OF DECISION: 01.04.2026

INDIAN COUNCIL OF AGRICULTURAL
RESEARCH AND OTHERS

.....Petitioners

Versus

SANTO DEVI AND ANOTHER

... Respondents

CWP-9625-2026

INDIAN COUNCIL OF AGRICULTURAL
RESEARCH AND OTHERS

.....Petitioners

Versus

KIRAN BALA AND ANOTHER

... Respondents

CWP-9627-2026

INDIAN COUNCIL OF AGRICULTURAL
RESEARCH AND OTHERS

.....Petitioners

Versus

BALBIR SINGH AND ANOTHER

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Brij Mohan Vinayak, Advocate and
Mr. Kunal Vinayak, Advocate for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. All the petitions, the details of which are mentioned in the heading, involve common point of law and common set of facts, hence, they are being dealt together. For the sake of convenience, the facts are being taken from CWP-9621-2026.
2. In the present petition, the challenge is to the common order dated 25.08.2025 passed by the Central Administrative Tribunal Chandigarh Bench (for



short – ‘the Tribunal’) wherein the benefit of pension/family pension as the case may be, have been given in favour of the private respondents. Certain facts may be noticed for the correct appreciation of the issue in hand.

3. The private respondent in the present writ petition is the widow of ex-employee of petitioner No.2 who was working as casual labourer starting from the year 1980 onwards. In the year 1993, an office memorandum was issued by the petitioner on 10.09.1993 that any employee who has worked for a period of one year, will be granted temporary status w.e.f. 01.09.1993. The said benefit was granted to the husband of the private respondent vide order dated 03.02.1995. The concerned ex-employee continued working on temporary status till the date he unfortunately died while in service on 07.08.2009. Keeping in view the fact that none of these ex-employees in all the three petitions were regular employees, the employees concerned were either not given the pensionary benefits or where the employees who unfortunately died on temporary status, their family was not given the retiral benefits/family pension.

4. A claim was raised for the grant of pension/family pension as the case may be which was rejected by the petitioners which led to the filing of the original application before the Central Administrative Tribunal. The Central Administrative Tribunal after appreciating the facts as well as the law, held that once an employee has worked for more than three decades, even on a temporary status, such an employee will be treated as a regular employee on the date of the retirement/date of death for the grant of retiral benefits including pension or the family pension as the case may be. The said judgment is impugned in the present bunch of petition.

5. The learned counsel appearing on behalf of the petitioners argues that the issue raised in the present petition was also raised earlier in case titled ***Indian Council of Agricultural Research and another Vs. Santosh*** in Civil Appeal



No.4499 of 2006 decided on 16.10.2006 wherein, it was held that there is no deeming provision for regularization to the casual labour merely on the basis of length of service rendered on temporary status hence, the grant of retiral benefits to the temporary employee is not maintainable. The said judgment has not been followed by the Tribunal while granting the benefit.

6. It may be noticed that though, the judgment in ***Santosh (supra)*** does not grant the said benefit but, the judgment of Hon'ble Supreme Court of India in ***Yashwant Hari Katakhar Vs. Union of India and others, (1996) SCC 113*** was not noticed wherein it was held that a Government employee who was not made permanent for 18 years and 06 months and in case such employee is not granted the pensionary benefits on the ground that he is not a permanent employee, will be travesty of justice. The relevant paragraph of the judgment is reproduced as under:-

*“3. Dr. Anand Prakash, learned senior Advocate appearing for the Union of India. has contended that on March 7. 1980 when the appellant was pre-maturely retired he had put in 18/2 years of quasi-permanent service. According to him to earn pension it was necessary to have minimum of 10 years of permanent service. It is contended that since the total service of the appellant was in quasi-permanent capacity he was not entitled to the pensionary benefit. **There is nothing on the record to show as to why the appellant was not made permanent even when he had served the Government for 18½ years. It would be travesty of justice if the appellant is denied the pensionary benefits simply on the ground that he was not a permanent employee of the Government. The appellant having served the Government for almost two decades it would be unfair to treat him temporary/quasi-permanent.** Keeping in view the facts and circumstances of this case we hold that the appellant shall be deemed to have become permanent after he served the Government for such a long period. The services of the appellant shall be treated to be in permanent capacity and he shall be entitled to the pensionary benefits. We allow the appeal, set aside the judgment of the Tribunal*



and direct the respondents to treat the appellant as having been retired from service on' March 7, 1980 after serving the Government for 18 2 years (more than 10 years as permanent service) and as such his case for grant of pension be finalised within six months from the receipt of this order. The appellant shall be entitled to all the arrears of pension from the date of retirement. No costs."

(Emphasis supplied)

7. Further, when the similar benefit was granted against the petitioners, placing reliance upon ***Yashwant Hari Katakhar (supra)***, Delhi High Court has already dismissed writ petition (C) 13695 of 2024 titled ***ICAR and another Vs. Sushil and another*** so as to grant them the benefit of pension. Further, the similar issue came up for consideration before this High Court in CWP-34288-2014 decided on 29.01.2025 upholding the decision of the Tribunal in Sunaina Versus Union of India in OA No.438/2019 decided on 01.05.2024 wherein on the similar ground, the benefit of pension and other retiral benefits including family pension even qua the temporary employees were granted.

8. It will not be out of place to mention that the issue with regard to the grant of pensionary benefits to the employees who had worked for more than two to three decades on temporary basis and retired as such, came up for consideration in ***Prem Singh Vs. The State of Uttar Pradesh and others, Civil Appeal No.6817 of 2019*** decided on 02.09.2019. The relevant paragraph 35 of the said judgment is reproduced hereunder:-

"35. There are some of the employees who have not been regularized in spite of having rendered the services for 30-40 or more years whereas they have been superannuated. As they have worked in the work-charged establishment, not against any particular project, their services ought to have been regularized under the Government instructions and even as per the decision of this Court in Secretary, State of Karnataka & Ors. v. Uma Devi 2006 (4) SCC 1. This Court



in the said decision has laid down that in case services have been rendered for more than ten years without the cover of the Court's order, as one time measure, the services be regularized of such employees. In the facts of the case, those employees who have worked for ten years or more should have been regularized. It would not be proper to regulate them for consideration of regularisation as others have been regularised, we direct that their services be treated as a regular one. However, it is made clear that they shall not be entitled to claiming any dues of difference in wages had they been continued in service regularly before attaining the age of superannuation. They shall be entitled to receive the pension as if they have retired from the regular establishment and the services rendered by them right from the day they entered the work-charged establishment shall be counted as qualifying service for purpose of pension.”

9. The bare perusal of the above reproduced judgment in ***Prem Singh (supra)*** would show that where an employee has worked for two to three decades but still his/her services were not regularized, and he/she retired as a temporary employee, the Hon'ble Supreme Court of India directed that such employees are to be treated as regular for the grant of pensionary benefits. Learned counsel for the petitioners has not been able to dispute the said principle of law. Once, in the present case, the respondents have worked for approximately three decades and some of the employees died while working, the grant of benefit of pension and other pensionary benefits including the family pension, is not contrary either to the fact or the settled principle of law noticed hereinabove.

10. Learned counsel for the petitioners argues that the scheme which granted the temporary status, has not been interpreted correctly by the Tribunal. It may be noticed that the scheme which has been appended along with the writ petition as Annexure P-2, which came into effect from 01.09.1993, envisage regularization of services as well as in Clause-9. The same is reproduced



hereunder:-

“9. On regularization of casual worker with temporary status, no substitute in his place will be appointed as he was not holding any post. Violation of this should be viewed very seriously and attention of the appropriate authorities should be drawn to such cases for suitable disciplinary action against the officers violating these instructions.”

11. The bare perusal of the above would show that regularization is being meant by the grant of temporary status. Hence, under the scheme, a casual labourer getting temporary status would amount to regularization of his services. Therefore, for all intents and purposes, once a temporary status was granted the same has to be regularization of the services which fact has gone unrebutted at the hands of the learned counsel for the petitioners.

12. Keeping in view, the totality of the circumstances as well as the settled principle of law as noticed hereinbefore, as it has not been shown that the order passed by the Tribunal is perverse either to the facts on record or settled principle of law, no interference at the hands of this Court is needed.

13. No ground is made out for interference by this Court.

14. The present writ petition is dismissed.

15. A photocopy of this order be also placed on the file of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

01.04.2026
sapna adhikari

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