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

**CWP-10738-2026 (O&M)
Date of decision: 09.04.2026**

Manoj Kumar and others

... Petitioners

Vs.

Punjab Water Supply and Sewerage Board and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.C. Arora, Advocate and
Mr. Gagandeep Sandhu, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of condition No.1 contained in regular appointment letter dated 18.06.2013 (Annexure P-3) to the effect that the petitioners shall not be entitled to any benefit (notional or otherwise) of their past service and further to issue a writ in the nature of *mandamus* directing the respondents to deposit the contribution of the respondent-Board towards EPF for the period from 12.03.2008 to 18.06.2013 in their Contributory Provident Fund accounts

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along with interest. It is also prayed to direct the respondents to pay the enhanced amount of gratuity to those of the petitioners, who are on the verge of retirement, by including their contractual service of more than 05 years towards their entitlement for computing the gratuity under the Payment of Gratuity Act, 1972.

2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners were initially appointed as Junior Draftsman on contract basis in March, 2008 and their services were regularized on 18.06.2013. However, in the appointment letter dated 18.06.2013 (Annexure P-3), a condition was imposed whereby denying them the benefit (notional or otherwise) of their past contract service. Thereafter, the petitioners were promoted as Head Draftsman. Further, for the service rendered on contract basis from March, 2008 to June, 2013, the respondents have not deposited their EPF contribution. Feeling aggrieved, the petitioners served a demand notice dated 19.11.2025 (Annexure P-6) upon the respondents. It is further contended that the impugned condition in the appointment letter (Annexure P-3) is illegal, as the same deprives the petitioners of their statutory right to gratuity for the period of contractual service i.e. from 12.03.2008 to 18.06.2013 and the employer's contribution towards EPF for the said period. He submits that case of the petitioners is squarely covered by the judgment passed by the Coordinate Bench of this Court in ***Krishan Kumar Vs. State of Haryana and others, Law Finder Doc Id # 1616750*** (Annexure P-4) and the judgment



rendered by a Division Bench of this Court in ***Municipal Council, Qadian Vs. Musthaq Masih and others, 2023 NCPHHC 166218*** (Annexure P-5). In both these judgments, it has categorically been held that the contractual service rendered by an employee prior to the regularization must be treated towards qualifying service for computing the pensionary benefits as per Rule 3.17(a) of Punjab Civil Services Rules.

3. Learned counsel for the petitioners submits that at this stage, the petitioners would be satisfied, if the demand notice dated 19.11.2025 (Annexure P-6) is decided by respondent No.2, by passing a speaking order, after affording an opportunity of hearing, in a time bound manner.

4. In view of the limited prayer made by learned counsel for the petitioners, present petition is disposed of and respondent No.2 is directed to consider and decide the demand notice dated 19.11.2025 (Annexure P-6) and pass a speaking order, after affording an opportunity of hearing to the petitioners, within a period of eight weeks from the date of receipt of certified copy of this order, in the light of cited supra judgments.

5. Further, the decision taken on the demand notice dated 19.11.2025 (Annexure P-6) shall be conveyed to the petitioners.

6. Needless to say, if the petitioners are found entitled to the relief sought, the same be granted to them forthwith by the competent authority.

7. Any deviation of the aforesaid directions would entitle the petitioners to file an appropriate application under Article 215 of the



Constitution of India for initiating the contempt proceedings before this Court.

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

09.04.2026
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[HARPREET SINGH BRAR]
JUDGE

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