



RSA-1726-2026 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1726-2026 (O&M)

Managing Director, UHBVNL and ors.

..Appellants

Versus

Ratan Lal

..Respondent

Reserved on: 05.05.2026

Pronounced on: 08.05.2026

Uploaded on: 13.05.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Manreet Kaur, Advocate for
Mr. Sanjeev Kaushik, Advocates
for the appellants.

* * * * *

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 14.05.2024 passed by learned Civil Judge (Jr. Division), Karnal, as well as judgment and decree dated 12.01.2026 passed by learned District Judge, Karnal, whereby, civil suit filed by the respondent was decreed in his favour and appeal filed by the appellants, was dismissed respectively.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per civil suit are that civil suit was filed by the respondent seeking decree for declaration alongwith consequential relief of mandatory injunction to the effect that the respondent is entitled to count the entire service rendered by him as daily wager w.e.f 1979 to



RSA-1726-2026 (O&M)

-2-

14.06.1987 and as work charge T mate w.e.f 15.06.1987 to 22.07.1990 for the purpose of calculation of pension and pensionary benefits.

3. The respondent joined Haryana State Electricity Board as Daily wager employee in 1979 and worked as such up to 14.06.1987. Thereafter, he was appointed as Work Charge T Mate w.e.f 15.06.1987 and worked as such up to 22.07.1990. After this, he was regularized as work mate, vide order dated 23.07.1990. He retired as line man on 31.05.2012. He represented the appellants for grant of pensionary benefits by counting his work charge/daily wage service rendered by him in the appellants-department. He then filed civil suit, which was decreed in his favour, vide judgment and decree dated 14.05.2024 passed by learned Civil Judge (Jr. Division), Karnal. Thereafter the appellants filed appeal against the same which was dismissed, vide judgment and decree dated 12.01.2026 passed by learned District Judge, Karnal. Hence the present appeal.

ARGUMENTS OF LEARNED COUNSEL FOR THE APPELLANTS

4. Learned counsel for the appellants contends that both the Courts failed to consider the evidence on record and wrongly decreed the civil suit filed by the respondent and dismissed the appeal filed by the appellants. She, therefore, prays that the present appeal be allowed.

5. I have heard learned counsel for the appellants and perused the whole record of the case with her able assistance.

6. The sole question for consideration before this Court is as to whether the service rendered by a person on daily wage/work charge basis prior to regularization, is to be counted as qualifying service for pensionary benefits?



RSA-1726-2026 (O&M)

-3-

7. The answer to the same is no more res integra.
8. Reference at this stage can be made to judgment of Full Bench of this Court in a case of ***Kesar Chand vs. State of Punjab through the Secretary, P.W.D.B and R, Chandigarh and ors, 1988 AIR Punjab and Haryana 265***, wherein it was held that the period of service spent by an employee on work charged service rendered before regularization, is liable to be taken into consideration for determining his qualifying service for the purpose of pension. The relevant portion of the judgment reads as under:-

“19. In the light of the above, let us examine the validity of rule 3.17(ii) of the Punjab Civil Services Rules, Vol. II. This rule says that the period of service in a work-charged establishment shall not be taken into account in calculating the qualifying service. After the services of a work-charged employee have been regularised he becomes a public servant. The service is under the Government and is paid by it. This is what was precisely stated in the Industrial Award dated June 1, 1972, between the workmen and the Chief Engineer, P.W.D. (B. & R), Establishment Branch, Punjab, Patiala, which was published in the Government Gazette dated July 14, 1972. Even otherwise. the matter was settled by the Punjab Government Memo No. 14095-BRI(3)-72/5383 dated 6th February, 1973(Annexure P7) where it was stated that all those work charged employees who had put in ten years of service or more as on 15th August, 1972, their services would be deemed to have been regularised. Once the services of a work-charged employee have been regularised, there appears to be hardly any logic to deprive him of the pensionary benefits as are available to other public servants under Rule 3.17 of the Rules. Equal protection of laws must mean the protection of equal laws for all persons similarly situated. [Article 14](#) strikes at arbitrariness because a provision which is arbitrary involves the negation equality. Even the temporary or



RSA-1726-2026 (O&M)

-4-

officiating service under the State Government has. to be reckoned for determining the qualifying service. It looks to be illogical that the period of service spent by an employee in a work-charged establishment before his regularisation has not been taken into consideration for determining his qualifying service. The classification which is sought to be made among Government servants who eligible for pension and those who started work-charged employees and their services regularised subsequently, and the others is based on any intelligible criteria and, before, is not sustainable at law. After the services of a work-charged employee have n regularised, he is a public servant like other servant. To deprive him of the pension is not only unjust and inequitable is hit by the vice of arbitrariness, and for se reasons the provisions of sub-rule (ii) of Rule 3.17 of the Rules have to be struck down being violative of [Article 14](#) of the Constitution.

9. Reference at this stage can further be made to judgment of Hon'ble the Supreme Court of India in a case of ***Habib Khan vs. State of Uttarakhand and others, 2018 (1) SCT 283***, wherein it has been held that period of service rendered on work charge basis by employee should be counted for the purpose of computation of "qualifying service" for grant of pension. The relevant portion of the judgment reads as under:-

"6. The pari materia provision contained in Rule 3.17(ii) of the Punjab Civil Services Rules had been struck down by a Full Bench decision of the Punjab and Haryana High Court in [Kesar Chand vs. State of Punjab](#) and ors.¹ The challenge by the State against the aforesaid decision of the Full Bench of the Punjab and Haryana High Court was negatived by this Court. The matter came up for consideration before this Court, once



RSA-1726-2026 (O&M)

-5-

again, in the case of Punjab State Electricity Board and anr. vs. Narata Singh and anr. 2. While dealing with the said question this Court in paragraph 25 of the report held that the Full Bench decision of the Punjab and Haryana High Court was perfectly justified in striking down Rule 3.17(ii) of the Punjab Civil Services Rules resulting in obliteration of the distinction made in the said Rules between 'temporary and officiating service' and 'work-charged service'. On the said basis, this Court took the view that the period of work-charged service should be 1 1988 (5) SLR 27 2 (2010) 4 SCC 317 reckoned for purposes of computation of 'qualifying service' for grant of pension.

7. As already observed, the provisions of Rule 370 of the Civil Service Regulations applicable to the State of Uttarakhand are *pari materia* with the provisions of Rule 3.17(ii) of the Punjab Civil Services Rules, discussed above. If that is so, we do not see as to why the period of service rendered on work-charged basis by the appellants should not be counted for purposes of computation of 'qualifying service' for grant of pension. The *pari materia* provisions of Rule 3.17(ii) of the Punjab Civil Services Rules having been interpreted and understood in the above manner by this Court in *Narata Singh (supra)* we do not find any room for taking any other view except to hold that the appellants are entitled to reckon the period of work-charged service for purposes of computation of 'qualifying service' for grant of

**RSA-1726-2026 (O&M)****-6-**

pension. We order accordingly; allow these appeals and set aside the impugned orders passed by the High Court.

10. In view of the above, I do not find any infirmity in judgment and decree dated 14.05.2024 passed by learned Civil Judge (Jr. Division), Karnal, as well as judgment and decree dated 12.01.2026 passed by learned District Judge, Karnal and the same are upheld.
11. Accordingly, the present regular second appeal is dismissed.
12. Decree sheet be prepared accordingly.
13. Pending application(s), if any, also stand disposed of.

08.05.2026*Gaurav Arora***(SUDEEPTI SHARMA)
JUDGE**

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