

CWP-13999-2026

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

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Date of Decision: 06.05.2026

Kewal Singh

....Petitioner

VERSUS

Punjab State Warehousing Corporation (PSWC)

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. J.P. Rana, Advocate for the petitioner.

HARPREET SINGH BRAR, J. (Oral)

1. This Civil Writ Petition is filed under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction, especially in the nature of *certiorari*, for quashing the letters dated 04.07.2023 (Annexure P-10) and 29.08.2023 (Annexure P-12) issued by the Managing Director, PSWC, whereby the requests of the petitioner dated 11.04.2023 (Annexure P-8) and 07.08.2023 (Annexure P-11) seeking grant of pension under the “Pension and Gratuity Scheme” of the respondent-Corporation notified on 20.03.1996 (Annexure P-1), have been turned down without assigning any reasons while wrongfully holding that the petitioner is entitled to pension under the New Pension Scheme notified on 02.03.2004

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(Annexure P-2), the impugned act/action of the respondents against the ratio of law as laid down by this Court vide judgment dated 31.08.2010 (Annexure P-13) as passed in ***Harbans Lal's case***, as upheld by the Hon'ble Supreme Court of India, and further reiterated in ***Surjit Singh Vs. State of Punjab and others*** (Annexure P-14) and ***Darshan Kumar Singla and others Vs. State of Punjab and others*** (Annexure P-15), who were appointed/recruited prior to 01.01.2004 and have merely been regularized after the said date, are entitled for the Old Pension Scheme under the Punjab Civil Services Rules by way of allotting GPF Account Numbers and further issuance of a writ in the nature of *mandamus* directing the petitioners to allot GPF Account Number to the petitioner so as to entitle him for the Old/Regular Pension and other retiral/pensionary benefits under the provisions of Punjab Civil Services Rules by taking into account his initial date of appointment on daily wage basis in view of the law laid down by this Court passed in ***Harbans Lal's case vide judgment dated 31.08.2010*** (Annexure P-13) and as upheld by the Hon'ble Supreme Court of India and further in light of the ratio of the law laid down by this Court in case titled ***Satparkash Vs. State of Haryana*** whereby interpreting Rule 3.17A (a) of the Punjab Civil Service Rules Vol. II to the extent that no distinction is drawn between daily wages service and adhoc services or contract service for the purpose of counting the same toward pensionary benefits and further

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directing the Managing Director PSWC to sanction and release the pension of the petitioner under "Pension and Gratuity Scheme" of the respondent notified on 20.03.1996 (Annexure P-1) with interest @ 9% on the arrears from the date of retirement of the petitioner i.e. 30.04.2023 till the date of actual payment.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner joined the services of the respondent-Corporation w.e.f. 01.05.1994 as a Daily Wage Helper. The respondent-Corporation adopted notification dated 20.03.1996 (Annexure P-1), making Punjab Civil Services Rules-Volume II, applicable to the employees of the respondent-Corporation. The petitioner's services were terminated w.e.f. 30.03.1997, causing him to raise a challenge against it before the learned Industrial Dispute Tribunal, Bathinda. The learned Tribunal set aside the termination vide award dated 22.11.2010 (Annexure P-3) and ordered reinstatement with continuity of service. The aforesaid order was implemented by the Managing Director of the respondent-Corporation on 13.01.2012 (Annexure P-4). The Punjab Government in the meantime, notified New Defined Contributory Pension Scheme (NPS) vide notificatoin dated 02.03.2004 (Annexure P-2), applicable to employees joining on or after 01.01.2004. The petitioner requested pension under the Old Pension Scheme on 11.04.2023 (Annexure P-8), which was rejected on 04.07.2023 (Annexure P-10) and

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again on 29.08.2023 (Annexure P-12) on the ground that petitioner is covered under the New Pension Scheme. The petitioner had approached the concerned authorities prior to his retirement and as such it is not a case which suffers from the vice of delay and laches. The impugned action arbitrarily ignore the judicially granted continuity of service from 01.05.1994 and mechanically applies the New Pension Scheme, 2004 (Annexure P-2). Further, the case of the petitioner is squarely covered by judgment rendered by this court in *Harbans Lal vs The State of Punjab and others, CWP-2371-2010, decided on 31.08.2010*, (Annexure P-13) and *Surjit Singh vs State of Punjab and others and other connected matters, CWP-16147-2023, decided on 30.01.2024*, (Annexure P-14), in which the facts of the case are identical to that of the petitioner and further by the judgment rendered by this Court in *Darshan Kumar Singla and others vs State of Punjab and others, CWP-26704-2021, decided on 13.02.2024*, (Annexure P-15), in which the employees of respondent-Corporation were granted the relief of Old Pension Scheme.

3. Notice of motion.

4. Mr. Athar Ahmed, Advocate, put in appearance and accept notice on behalf of the respondent-PSWC. He is not in a position to controvert the fact that the petitioner initially jointed the respondent-Corporation on 01.05.1994 as a Daily Wage Helper and further the Industrial

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Tribunal, Bathinda, passed the award in favour of the petitioner and ordered reinstatement with continuity of service and could not distinguish the case of the petitioner from *Surjit Singh (supra)*.

5. I have heard learned counsel for the parties and perused the record. It transpires that the petitioner joined respondent-Corporation on 01.05.1994 as a Daily Wage Helper and his services were terminated on 30.03.1997, which was set aside by the Industrial Tribunal and award was passed directing reinstatement with continuity of service, which was implemented by the Managing Director on 13.01.2012 (Annexure P-4).

6. A perusal of judgment rendered by the Co-ordinate Bench of this Court in *Surjit Singh (supra)*, reveals that the petitioner(s) therein was appointed as Mate on daily wage basis on 01.04.1993 and his services were terminated on 31.03.1994 and award was passed on 22.02.2001 by the learned Labour Court, Jalandhar and he was ordered to be reinstated in services with continuity and this Court after examining the factual matrix of the case and the fact that the petitioners were initially appointed on daily wage basis prior to the appointed date i.e. 01.01.2004 under Rule 1.2 of the Punjab Civil Services Rules, Volume I, Para 1 and further there is no denial to the fact that the aforesaid amendment in Rule 1.2 *ibid* was adopted and introduced by the respondent-Corporation on 20.03.1996 when this pension and gratuity scheme was implemented the petitioner was in service.

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7. As such, the case of the petitioner is squarely covered by judgment rendered in ***Surjit Singh (supra)***, in which following was observed:-

“....9. Learned counsel for the respondent has not been able to distinguish the case of the petitioner from the judgment of Harbans Lal’s case (supra).

10. Once, the petitioner was appointed in the year 1993 and he continued uninterruptedly in service till he retired on 29.02.2020 and in the meantime his services had already been regularized on 15.03.2012, the case of the petitioner is squarely covered by the judgment of this Court in Harbans Lal’s case (supra).

11. The judgment in case of Harbans Lal’s case (supra) was challenged by the State before the Hon’ble Supreme Court by filing a Special Leave Petition, which was dismissed vide order dated 30.07.2012 and thereafter, the review petition was also filed in the said SLP, which was also dismissed vide order dated 04.11.2015.

12. Various other similar writ petitions have been allowed by the learned Single Judge of this Court including CWP No.23469 of 2015, titled as “Gurbachan Singh vs State of Punjab and others”, which was allowed vide orders dated 06.05.2019 in terms of the judgment rendered in the case of Harbans Lal’s case (supra) and CWP No.637 of 2017, titled as “Yog Raj vs State of Punjab and others”, decided on 25.11.2019.

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14. Similarly, various other judgments rendered by the learned Single Judge, while allowing the similar claim of similarly situated employees by different orders on the basis of the Division Bench judgment in Harbans Lal's case (supra), were challenged before the Division Bench of this Court in LPA No.666 of 2022, titled as "Municipal Council, Qadian vs Musthaq Masih and others" and other connected appeals and the matter has again been considered by the Division Bench of this Court vide judgment dated 21.12.2023 and the same stand taken by the respondents has been rejected...."

8. In view of the above, the present writ petition is allowed and the impugned letters dated 04.07.2023 and 29.08.2023 (Annexures P-10 & P-12) are hereby set aside. The respondent-Corporation is directed to consider the case of the petitioner under the Old Pension Scheme in terms of the judgment passed in **Surjit Singh (supra)**. The petitioner is further directed to deposit the differential amount received by him at the time of retirement under the New Pension Scheme, in case any such amount has been received by him. The needful shall be done within a period of 03 months from the date of receipt of a certified copy of this order. The decision so taken shall thereafter be conveyed to the petitioner.

9. In case, the respondent-Corporation fails to release the arrears within a stipulated period, the petitioner would be entitled to interest @ 6%

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per annum from the date of filing of the present petition till its actual date of realization.

10. Pending miscellaneous application(s), if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

06.05.2026
parul verma

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