



CWP-16868-2015(O&M)

-1-

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

(210)

CWP-16868-2015(O&M)
Date of Decision :16.03.2026

Virendar Singh

.. Petitioner

Versus

**The Chairman, Punjab State
Power Corporation Limited & ors.**

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikas Singh, Sr. Advocate with
Ms. Anamika Sheoran, Advocate
for the petitioner.

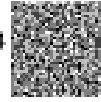
Mr. Deep Inder Singh Walia, Advocate
for respondents No.1 & 4.

Mr. Vikas Sonak, AAG, Punjab
for respondents No.2, 3 & 5.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed by the petitioner under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondents to consider his legitimate claim for grant of full pension, which has allegedly been illegally and arbitrarily denied by computing only 26 years of service rendered with the office of respondent No.4, while ignoring the previous service of about 13 years rendered with respondents No.3.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was initially appointed as Sub Inspector with respondents No.2 and 3 and was subsequently promoted as Junior Auditor on 01.09.1966. The petitioner thereafter joined respondent No.4 on 24.08.1970 after rendering



continuous service with respondents No.2 and 3 from 01.04.1957 to 24.08.1970, without any break. He subsequently retired on 31.01.1997 from the post of Revenue Superintendent under the erstwhile Punjab State Electricity Board. It is further contended that both employments were under statutory bodies of the State of Punjab and were pensionable in nature. The petitioner made a representation on 25.01.1996 seeking counting of his past service towards qualifying service for pensionary benefits, wherein he submitted that together with both the respondents he has rendered a continuous service of 40 years and as such 33 years of his service should be considered for the purpose of pension. A legal demand notice was also served upon respondent No.1 on 17.05.2015. It is thus argued that the petitioner is entitled to full pension along with arrears by counting his past service rendered with respondents No.2 and 3. Reliance is placed upon the judgement rendered by a Full Bench of this court in ***Kesar Chand and others v. State of Punjab and others, 1988(5) SLR 25***, as well as by a Division Bench in ***Harbans Lal v. State of Punjab and others, 2012(3) SCT 362***, which stands affirmed by the Hon'ble Supreme Court.

3. *Per contra*, learned counsel for the respondent-Corporation opposes the claim of the petitioner on the ground that the petitioner retired in the year 1997 and has approached this Court only in the year 2015. It is contended that the petition suffers from gross delay and laches and, therefore, is liable to be dismissed on this ground alone. It is further submitted that the petitioner had rendered only about 23 years of service with respondent No.4 and that the liability, if any, to account for past service lies upon respondents No.2 and 3. It is argued that in case respondents No.2

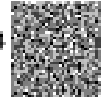


and 3 remit an amount of Rs.2,86,268/- towards the petitioner's past service, the corresponding pensionary benefits would be extended to him.

4. Learned State counsel, however, submits that the resignation tendered by the petitioner at the relevant time was not through proper channels and was, therefore, a technical irregularity. However, he does not dispute the fact that, as per Annexure R-3, the resignation of the petitioner was accepted on account of his selection and joining with respondent No.1 w.e.f. 24.08.1970.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner rendered service with respondents No.2 and 3 from 01.04.1957 to 24.08.1970, and thereafter continued in service with respondent No.4 until his superannuation on 31.01.1997. The present writ petition came to be instituted on 11.08.2015. It is not in dispute that both spells of service were continuous, under statutory bodies of the State of Punjab and were pensionable in nature.

6. The objection regarding delay and laches cannot defeat the claim insofar as pensionary benefits are concerned, in view of the law laid down by the Hon'ble Supreme Court in ***Union of India vs. Tarsem Singh, (2008) 8 SCC 648***. The issue relating to counting of past service for the purpose of determining qualifying service for pension is no longer *res integra*. The Division Bench in ***Harbans Lal (supra)***, relying upon the Full Bench judgment in ***Kesar Chand (supra)***, has categorically held that past service, even if rendered as daily wager or work-charged employee, is liable to be counted towards qualifying service in terms of Rule 3.17 of the Punjab Civil Services Rules, Volume II. Further the Division Bench of this court in



CWP-16868-2015(O&M)

-4-

State of Haryana and others vs. Jai Bhagwan, 2024 NCPHHC 095763, as well as this court in *Rajesh Kumar and others vs. State of Punjab and others (CWP-12826-2017 and connected matters)*, has extended the benefit of past service even to part time employees, who after regularization retired as regular employees.

7. In view of the aforesaid discussion, the present petition is allowed. The Respondents are directed to consider the past services rendered by the petitioner for the purpose of pension. However, the monetary benefits and arrears shall be restricted to a period of 38 months prior to the filing of the present petition, along with an interest @ 6% per annum till its actual realization.

8. Respondent No.2 is further directed to remit the amount, as demanded by respondents No.1 and 4, in respect of the service rendered by the petitioner with respondents No.2 and 3, within a period of two months from the date of receipt of a certified copy of this order.

9. The respondents are accordingly directed to compute and release all consequential pensionary benefits, including arrears, to the petitioner by completing the entire exercise within a period of four months from the date of receipt of a certified copy of this order.

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

16.03.2026
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(HARPREET SINGH BRAR)
JUDGE

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