



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

107

CWP No.15309 of 2026

Date of Decision: **22.05.2026**

Rameshwer @ Rameshwar Dass

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Shvetanshu Goel, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (Oral)

1. The petitioner has filed the present writ petition under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Certiorari* for quashing the impugned letter dated 30.03.2021 (Annexure P-2), whereby the claim of the petitioner for counting daily wage and work charge service towards qualifying service for pension has been rejected. A further prayer has been made for issuance of a writ in the nature of *Mandamus* directing the respondents to count service rendered by the petitioner on daily wage basis from 30.10.1978 to 14.06.1987 and work charge basis from 15.06.1987 to 05.05.1993 as qualifying service for pension and retiral benefits along with consequential arrears.

2. Learned counsel for petitioner, *inter alia*, submits that the petitioner was initially appointed on daily wage basis on 30.10.1978 in the erstwhile



Haryana State Electricity Board (HSEB). The petitioner continuously worked on daily wage basis till 14.06.1987. Thereafter, the petitioner was engaged on work charge basis as T-Mate on 15.06.1987 and continued on work charge establishment up to 04.05.1993. Subsequently, the services of the petitioner were regularized on 05.05.1993 on the post of T-Mate. It is further submitted that the petitioner continued to serve the respondents on various posts including ALM, Lineman and Foreman. Ultimately, petitioner retired from service as Foreman on 30.09.2020 upon attaining the age of superannuation.

3. Learned counsel for petitioner further submits that no departmental proceedings or charge-sheet was pending against the petitioner on the eve of his retirement. It is submitted that after retirement, the petitioner represented before the respondents for counting service rendered on daily wage and work charge basis towards the total length of service as qualifying service for pensionary benefits. The respondents delayed the matter and eventually, the respondents rejected the claim of the petitioner vide impugned letter dated 30.03.2021 (Annexure P-2).

4. Learned counsel for the petitioner contends that the action of the respondents is arbitrary, discriminatory and contrary to settled principles of law. It is submitted that once the petitioner rendered uninterrupted service followed by regularization, the entire service is liable to be counted for pensionary purposes. It is, therefore, submitted that the impugned order is liable to be set aside.

5. Per contra, learned counsel for the respondents is not in a position to controvert the facts and cites order dated 17.05.2023 passed by a Division Bench of this Court in LPA No.171 of 2023 (Managing Director, UHBVNL and others



v. Hukam Chand) whereby awarding of interest to the petitioner was ordered to be stayed.

6. A perusal of the impugned letter reveals that the respondents have themselves admitted that the petitioner rendered continuous and uninterrupted service on daily wage and work charge basis without any break. Nevertheless, the claim has been rejected on the ground that work charge service is not countable towards qualifying service for pension in view of departmental instructions.

7. I have heard learned counsel for the parties and perused the file.

8. The issue that arises for consideration in the present petition is whether the service rendered by the petitioner on daily wage and work charge basis prior to regularization is liable to be counted towards qualifying service for pensionary benefits. The controversy involved in the present case is no longer res integra. Case of the petitioner is squarely covered by the Full Bench judgment of this Court in **Kesar Chand v. State of Punjab, AIR 1998 Punjab 265** as well as the judgment rendered by this Court in **Harbans Lal vs. State of Punjab, 2012(3) SCT 362**, which was also followed in ***Punjab Warehousing Corporation vs. Darshan Kumar Singla LPA-1628-2024***. In ***Harbans Lal(supra)***, the petitioner therein was initially appointed on 01.08.1988 and regularised on 28.03.2005 while the cut-off date for old GPF Pension Scheme was 01.01.2004. However, he was deemed to be in government service prior to 01.01.2004. He further submits that the decision in ***Harbans Lal(supra)*** has been upheld by the Hon'ble Supreme Court in SLP-1790-2011 as well as in review (Review Petition No.2038-2013).

9. Further, in **D.S. Nakara v. Union of India, (1983) 1 SCC 305**, Hon'ble the Supreme Court observed that the goals for which pension is paid themselves give a fillip and push to the policy of setting up a welfare State because by



pension the socialist goal of security of cradle to grave is assured at least when it is mostly needed and least available, namely, in the fall of life.

10. In view of the settled position of law and the admitted factual matrix, impugned letter dated 30.03.2021 (Annexure P-2) cannot be sustained and deserves to be set aside. Consequently, the present writ petition is disposed of with a direction to the respondents to consider the case of the petitioner in the light of judgments in **Kesar Chand's case** (supra) and **Harbans Lal's case** (supra).

11. Pending miscellaneous application, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

22.05.2026

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