



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

CWP-18989-2022

Date of decision: 20.01.2026

Jagsir Singh

....Petitioner

Versus

Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

Mr. Anmol Puri, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to calculate the entire period of service rendered by the petitioner in the department and to release all the consequential benefits along with pension of the petitioner from the date he actually became entitled for the same along with interest for delayed period for which legal notice dated 25.05.2022 has also been served by the petitioner. Further, for issuance of a writ in the nature of *certiorari* for quashing the impugned reply dated 23.06.2022 (Annexure P-6).

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was serving the respondent-Department as daily wager since July, 1983. Thereafter, the petitioner was illegally removed. The petitioner raised an industrial dispute before the learned Labour Court and ultimately, the petitioner

**CWP-18989-2022****-2-**

was again appointed on daily wages on 26.01.2001 and from 20.04.2004, he started working as a work charge employee. The petitioner before his retirement represented the respondents that his past service with effect from 26.01.2001 be counted for calculating the qualifying service for pensionary services, however, no action was taken and the petitioner retired on 31.10.2021. The petitioner continued to represent the respondents and on 25.05.2022, he served a legal notice to all the respondents (Annexure P-4). The petitioner also relies upon the application/representation made during his service period (Annexure P-5). After serving the legal notice, the petitioner received a reply (Annexure P-6) and it was informed that the petitioner was treated as work charge employee from 20.04.2004 to 13.07.2021. He was under the EPF scheme and from 14.07.2021, he is governed by New Pension Scheme by relying upon instructions dated 26.09.2007 which provides that employees recruited on or after 01.01.2004 shall be governed by New Defined Contributory Pension Scheme.

3. He further submits that the case of the petitioner is squarely covered by the Division Bench judgment of this Court in CWP No.2371 of 2010 '*Harbans Lal Vs. State of Punjab and others*' decided on 31.08.2010 which has been upheld by the Hon'ble Supreme Court. Further, the petitioner has not withdrawn any amount under the New Defined Contributory Pension Scheme.

4. Per contra, learned counsel for the respondent-Corporation submits that the petitioner was recruited after 01.01.2004 as a work charge employee on 20.04.2004, as such, he is not entitled to the benefit of his past service rendered



CWP-18989-2022

-3-

as a daily wager from 26.01.2001.

5. Having heard learned counsel for the parties and on perusal of the record, it is not in dispute that the petitioner joined as daily wager on 26.01.2001 and he started working as a work charge employee from 20.04.2004, as such, the case of the petitioner is squarely covered by the Division Bench judgment of this Court in ***Harbans Lal's case (supra)***.

6. In view of the above, the present petition is disposed of. The respondents are directed to count the past service rendered by the petitioner with effect from 26.01.2001 for the purpose of qualifying service and to extend to him the benefit of the Old Pension Scheme within a period of three months from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

20.01.2026*Neha*

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