



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

246

CWP-24167-2024

Date of Decision: 27.04.2026

Nahar Singh

.....Petitioner

VERSUS

The Punjab State Power Corporation Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. J.S. Jaidka with Ms. Garima Arora, Advocates for the petitioner.

Mr. Nitish Bansal, Advocate for Mr. J.S. Gill, Advocate for respondents-PSPCL.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India with a prayer for issuance of an appropriate writ in the nature of *certiorari* for quashing of letter dated 27.01.2023 (Annexure P-4) which illegally proposes a recovery from the gratuity of pension of petitioner in contravention of the law settled by Hon'ble Apex Court in Rafiq Masih. Further praying for staying the operation of letter (Annexure P-4) during the pendency of the present writ petition. Further praying for quashing the illegal action of respondent-Corporation in issuing only 90% provisional pension to the petitioner instead of 100% regular pension.



Further praying to quashing the action of respondent in withholding the gratuity of petitioner from the date of retirement. Further directing the respondent-Corporation to issue 100% regular pension and gave him arrears of pension which have been withheld wrongly along with interest @ 18% on account of delayed payment of the same.

2. At the very outset, learned counsel for the respondents-Corporation submits that nothing survives for adjudication in the present writ petition, as the grievance raised by the petitioner stands substantially redressed.

3. *Per contra*, learned counsel for the petitioner submits that although certain retiral dues have been released, the petitioner has not been paid any interest on the delayed disbursement of the said dues. It is further contended that the case of the petitioner qua grant of gratuity, by taking into consideration the period of service rendered on work-charge basis, has not been considered. Learned counsel submits that the issue is no longer res integra and is squarely covered by the judgments of this Court in ***Kesar Chand vs. State of Punjab and others***, AIR 1988 Punjab 265, wherein it has been held that once a particular period of service is counted for the purpose of regularisation, the same is liable to be reckoned towards qualifying service for pensionary benefits. Reliance has also been placed upon ***Harbans Lal vs. State of Punjab***, CWP No. 2371 of 2010, and ***State of Haryana and others vs. Jai Bhagwan***, LPA No. 1892 of 2019.



4. Learned counsel for the respondents is unable to controvert the aforesaid submissions made on behalf of the petitioner or the legal position settled by the judgments cited hereinabove.

5. In view of the above, and without expressing any opinion on the merits of the case, the present writ petition is disposed of with the following directions:

(i) The respondents shall pay interest on the delayed release of retiral dues to the petitioner @ 6% per annum, in terms of the Full Bench judgment of this Court in *A.S. Randhawa, Superintending Engineer (Retd.) vs. State of Punjab, 1998 (1) SCT 343*, wherein it has been categorically held that delay beyond a reasonable period of two months in the release of pensionary benefits would entail liability to pay interest.

(ii) The respondents shall consider the period of work-charge service rendered by the petitioner w.e.f. 25.05.1988 to 25.10.1994 for the purpose of computing qualifying service.

(iii) The respondents shall accordingly re-calculate and release the gratuity payable to the petitioner by taking into account the aforesaid period, along with all consequential arrears.

6. The aforesaid exercise shall be carried out within a period of three months from the date of receipt of a certified copy of this order.



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

(HARPREET SINGH BRAR)
JUDGE

27.04.2026
Puneet Chawla

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