

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 140 of 2011

Date of Decision: July 29,2011

Wanjar Singh Petitioner

Versus

State of Punjab and others Respondents

Coram: Hon'ble Ms. Justice Ritu Bahri

1.To be referred to the Reporters or not?

2. Whether the judgment should be reported in the Digest?

Present: Mr. K.L.Arora, Advocate
for the petitioner.

Ms. Kavita Arora, AAG, Punjab.

...

RITU BAHRI, J. (Oral)

Petitioner is seeking a writ of Mandamus for releasing the pension and other retiral benefits with interest by counting the work charge/daily wage service towards regular service as qualifying service.

Petitioner was appointed as Mali-cum-Chowkidar, a Class IV post, on daily wage basis on 1.8.1987 in the Water Supply & Sanitation Department, Punjab. His services were regularized on 18.5.2001. He retired on 30.4.2010 on attaining the age of superannuation. He has rendered a total

service of 23 years. His service of 14 years on daily wage basis with effect from 1.8.1987 till the date of his regularization has not been counted for the grant of pension. This issue has been decided by this Court in C.W.P. No. 18841 of 2007 on 25.7.2008 (Sadhu Singh and others v. State of Punjab and others) whereby relying on judgment of Kesar Chand v. State of Punjab 1988 (2) PLR 223 and examining Rule 3.17-A of the Punjab Civil Services Rules it has come to the conclusion that all the continuous service followed by regularization has to be treated as qualifying service.

In view of the judgment passed in Sadhu Singh's case (supra) (Annexure P5), the writ petition is allowed and the respondents are directed to count the work charged/daily wage service rendered by the petitioner as qualifying service as per Rule 3.17-A of the Punjab Civil Services Rules. The needful shall be done within a period of one month from the date of receipt of a certified copy of this order. The petitioner shall also be entitled to interest at the rate of 12% per annum from the date the amount is payable to the date of its actual payment. The petitioner is also held entitled to costs of ₹5,000/- to be paid by the respondents by cheque along with other retiral benefits.