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CWP-18116-2018 and other connected cases :1:

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

208 **CWP-18116-2018 (O&M)**
AMAR SINGH **Date of decision : 08.04.2026**
..... Petitioner
VERSUS
CHANDGHARH ADMINISTRATION AND ANR
..... Respondents

208-2 **CWP-18535-2018 (O&M)**
RAM PAL
..... Petitioner
VERSUS
CHANDGHARH ADMINISTRATION AND ANR
..... Respondents

208-3 **CWP-18628-2018 (O&M)**
AMIT PATHANIA
..... Petitioner
VERSUS
CHANDGHARH ADMINISTRATION AND ANR
..... Respondents

208-4 **CWP-18623-2018 (O&M)**
GURSHAN SINGH
..... Petitioner
VERSUS
CHANDGHARH ADMINISTRATION AND ANR
..... Respondents



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CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Dr. D. S. Chahal, Advocate
for the petitioners.

Mr. Anil Kumar Sharma, Advocate and
Mr. Abhishek Kumar Premi, Advocate
for respondent No.1 in all cases.

Mr. Ashwani Talwar, Senior Advocate with
Ms. Pratiksha Sharma and Ms. Vaishnavi Sikka, Advocates
for respondent No.2.

Deepinder Singh Nalwa, J. (Oral)

1. With the consent of the learned counsel representing the parties, four connected writ petitions shall stand disposed of by this common order and facts are taken from CWP-18116-2018.

2. In the present writ petition, the petitioner has challenged the action of the respondents in considering the case of petitioner for the purpose of pension under the New Contributory Pension Scheme instead of Old Pension Scheme.

3. Brief facts of the case are that the petitioner was initially appointed on the post of Laboratory Attendant on contract basis in respondent No.2-college on 21.03.2003 (Annexure P-1). Various extensions were granted, on the basis of which the petitioner continued in service on contract basis. The Board of Management of respondent No.2, in its 44th meeting held on 31.07.2014, decided to regularize the services of non-teaching staff who had rendered 10 years of service on contract basis

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(Annexure P-2). In light of the decision taken by the Board of Management in the meeting held on 31.07.2014, the services of the petitioner were regularized vide order dated 16.10.2014 (Annexure P-3). After regularization of service of the petitioner, the case of the petitioner was considered under the New Contributory Pension Scheme, and he was allotted Permanent Retirement Account Number under the said scheme.

4. Aggrieved against the action of respondents in allotting the petitioner Permanent Retirement Account Number under the New Contributory Pension Scheme, the petitioner has filed the present writ petition.

5. Learned counsel appearing on behalf of the petitioner submits that although, the petitioner services have been regularized vide order dated 16.10.2014 however, as the petitioner was initially appointed on contract basis on 21.03.2003, which is prior to the cut off date on 01.01.2004 when the New Contributory Pension Scheme was introduced. As such, the case of the petitioner was to be considered under the Old Pension Scheme and not under the New Contributory Pension Scheme.

6. Reliance is made to the judgment passed by the Division Bench of this Court in ***Harbans Lal Vs. The State of Punjab and others, 2010 SCC Online P&H 8181*** and ***LPA-1892 of 2019 titled as 'State of Haryana and others Vs. Jai Bhagwan', decided on 26.07.2024.***

7. Learned counsel appearing on behalf of respondent No.1 submits that the case of the petitioner cannot be considered under the Old Pension Scheme for the reason that the petitioner was not entitled for

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regularization in terms of the regularization policy and the decision taken by respondent No.2 in regard to regularization of policy in the meeting held by the Board of Directors on 31.07.2014 was bad in law. It is also the case of learned counsel that if the basic order of regularization is bad in law, no benefit can be given to the petitioner of regularization.

8. Learned counsel appearing on behalf of respondent No.2 submits that the services of the petitioner were regularized in terms of the instructions/policy dated 10.02.2014 vide order dated 16.10.2014. He further submits that a perusal of the order of regularization would show that the service rendered by the petitioner prior to the date of regularization was not to be taken into consideration for any purpose. As such, the case of the petitioner was to be considered under the New Contributory Pension Scheme and not under the Old Pension Scheme.

9. After hearing the learned counsel for the parties at some length, the only issue involved in the present writ petition is whether the case of the petitioner is liable to be considered under the Old Pension Scheme or under New Contributory Pension Scheme, which has come enforce after 01.01.2004. A perusal of the facts of the present case would show that the petitioner was appointed on 21.03.2003 (Annexure P-1) on contract basis and his services were thereafter regularized on 16.10.2014 (Annexure P-3). It is well settled law that the contract service followed by regularization has to be taken into consideration as qualifying service for the purpose of retiral benefits. Similar issue came up for consideration before this Court in CWP No.11801 of 2022 case titled as *“Nipun Checker Vs. Chandigarh*



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Administration and others, decided on 12.09.2024. A co-ordinate Bench relying on the judgment passed by the Division Bench of this Court in **“Harbans Lal Vs. State of Punjab and others” 2010 SCC Online P&H 8181 and “State of Haryana and others Vs. Jai Bhagwan in LPA-1892-2019” decided on 26.07.2024** held therein that the case of the petitioner is entitled to be considered under the Old Pension Scheme. The relevant extract of the abovementioned judgment is reproduced hereinbelow:-

“4. The petitioner joined respondents on 12.11.1984 as ad-hoc lecturer. She was regularized on 24.06.2005. She retired on 30.06.2019 on attaining the age of superannuation. The petitioner claims that her service rendered from 1984 to 2005 as ad-hoc lecturer should be counted for all pensionary benefits. This Court repeatedly has held that ad-hoc service shall be counted for the purpose of pensionary benefit, if an employee is regularized at a later stage.

5. On being confronted with Division Bench judgments of this Court in **‘Harbans Lal Vs. State of Punjab and others, 2010 SCC Online P&H 8181** and **‘State of Haryana and others Vs. Jai Bhagwan in LPA- 1892-2019’ decided on 26.07.2024**, counsel for the respondents expressed their inability to controvert the applicability of judgments to the facts of the present case.

6. In view of judgments of this Court in **Harbans Lal** (supra) as well as **Jai Bhagwan** (Supra), the petitioner is entitled to counting of ad-hoc service towards pensionary benefits.

7. In the wake of afore-cited judgments, petition stands disposed of. The respondents shall also, within 2 months from today, consider case of petitioner for ‘Old Pension Scheme’ in accordance with afore-cited judgments of this Court.”

10. Learned counsel appearing on behalf of the respondents could not distinguish the applicability of the abovesaid judgments to the facts of the present case.



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11. Taking into consideration the abovesaid facts and the above referred judgment of this Court, the present writ petition is disposed of with the direction to the respondents to consider the case of the petitioner under the Old Pension Scheme within a period of 02 months from the date of receipt of copy of this order.

12. Pending application(s), if any, also stand disposed of accordingly.

**(DEEPINDER SINGH NALWA)
JUDGE**

08.04.2026
Rimpal

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No