



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

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CWP-6937-2026 (O&M)
Date of decision: 17.03.2026

Baldev Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhishek Singla, Advocate
and Mr. Akshat Kalia, Advocate
for the petitioners.

Mr. Vikas Arora, DAG, Punjab.

Mr. Gian Chand Sharma, Advocate
for respondent No.3.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to count the entire daily wage services of the petitioners rendered before regularisation as qualifying service for the purposes of pensionary/retiral benefits and furthermore they be held entitled to receive pensionary benefits as per the old GPF scheme which was applicable to employees recruited in Punjab Government Service prior to 01.01.2004. Further, the petitioners be considered in accordance with the Instructions dated 23.02.2017 (Annexure P-12) as clarified vide Notification dated 29.08.2017 (Annexure P-13) issued by the Government of Punjab. Further, for



issuance of directions to the respondents to correct/rectify the stipulation/condition No.4 in the appointment letter dated 04.04.2012 (Annexure P-2) imposing applicability of contributory pension scheme and to rectify the same in accordance with settled position of law and further to quash the same.

2. Learned counsel for the petitioners, *inter alia*, contends that once the petitioners have been regularized, they cannot be denied the benefit of the service rendered by them as part-time employees as qualifying service for the purpose of pensionary benefits. He relies upon the Full Bench judgment of this Court in ***Kesar Chand vs. State of Haryana and others, 1988 (2) PLR 223*** as well as the Division Bench of this Court in ***Harbans Lal vs. The State of Punjab and others, 2012 (3) SCT 362*** and submits that the past daily wage service rendered by the petitioners is required to be counted for the purpose of pensionary benefits. The petitioners were regularized prior to contributory pension scheme, as such, they are entitled to the Old Pension Scheme as per the settled law. He further relies upon the judgment passed by this Court in ***Jeewan Lata vs State of Punjab and others, 2019(4) SCT 271***, and submits that continuous part-time service followed by regularization shall be counted as qualifying service for pension and therefore, the action of the respondents in denying pensionary benefits to the petitioners is contrary to the settled law.

2.1. Learned counsel for the petitioners further places reliance on the judgment of this Court in ***State of Haryana and others vs. Jai***



Bhagwan, 2024 NCPHHC 095763, wherein the part-time employees subsequent to their regularization were granted the benefit of counting of past service as qualifying service for the purpose of pension and pensionary benefits. In support of claim of the petitioners, learned counsel for the petitioners also relies upon another judgment of this Court passed in ***CWP-12826-2017*** titled as ***Rajesh Kumar and others vs. State of Punjab and others***, decided on **22.12.2025** along with a bunch of petitions.

3. *Per contra*, learned State counsel as well as learned counsel for respondent No.3 are not in a position to controvert the fact that the daily wage service rendered by the petitioners is liable to be taken into consideration in terms of the Division Bench judgment of this Court in ***Harbans Lal's case (supra)*** which was affirmed by the Hon'ble Supreme Court and Full Bench of this Court in ***Kesar Chand's case (supra)***, wherein while interpreting Rule 3.17 of the Punjab Civil Services Rules, it was held that the benefit of counting past service rendered by an employee prior to regularization is liable to be counted towards qualifying service for the purposes of pension.

4. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

5. The controversy involved in the present case is no longer *res integra* and is squarely covered by the judgments rendered by this Court in ***CWP-10238-2017*** titled as ***Jeewan Lata vs. State of Punjab and others***, decided on **10.05.2019**, ***CWP-12826-2017*** titled as ***Rajesh***



Kumar and others vs. State of Punjab and others, decided on 22.12.2025 along with bunch of petitions and CWP-1672-2026, titled as ***Bimla Devi vs. Punjab State Power Corporation Limited and others***, decided on 23.01.2026 and CWP-4590-2026, titled as ***Jagdish vs. Punjab State Power Corporation Limited and others***, decided on 16.02.2026, wherein it has been categorically held that part-time/daily wage service followed by regular service is liable to be counted towards qualifying service for the purpose of pension. Consequently, the action of the respondents in denying pension and other retiral benefits to the petitioners by not counting their past service rendered on daily wage basis cannot be sustained in the eyes of law.

6. Reliance in this regard can also be placed on the judgment rendered by this Court in CWP-626-2015, titled as ***Zile Singh vs. State of Haryana*** decided on 17.03.2015 wherein duration of services rendered by a sweeper on part-time, before regularisation, was ordered to be counted towards pensionary benefits. The same was also upheld by a Division Bench of this Court in LPA-426-2016 titled as ***State of Haryana and others vs. Zile Singh*** decided on 18.03.2016. The relevant part is reproduced below:

*This appeal is directed against the judgment of the learned Single Judge dated 17.3.2015 holding the respondent – employee entitled to the benefit of previous service rendered by him on work charge basis towards qualifying service as pension in terms of the Full Bench titled as ***Kesar Chand vs. State of Punjab and others AIR 1988, P&H 265.****



Learned counsel for the appellant while impugning the said judgment refers to Rule 3.17 A to contend that the respondent-employee was engaged on part time basis and would thus not be entitled to have this service counted for qualifying service. Rule 3.17 A is extracted hereinbelow:-

3.17-A (I) *Subject to the provisions of rule 4.23 and other rules and except in the cases mentioned below, all service rendered on establishment, interrupted or continuous, shall count as qualifying service:-*

(i) Service rendered in work charged establishment.

(ii) Service paid from contingencies: Provided that after the 1st January, 1973 half of the service paid from contingencies will be allowed to count towards pension at the time of absorption in regular employment subject to the following conditions:-

(a) Service paid from contingencies should have been in a job involving whole-time employment (and not part time or for a portion of the day)

(b) Service paid from contingencies should have been in a type of work or job for which regular post could have been sanctioned e.g malis, chowkidars, khalasis etc.

(c) the service should have been one for which the payment is made either on monthly or daily rates computed and paid on a monthly basis and which though not analogous to the regular scale of pay should bear some relation in the matter of pay to those being paid for similar jobs being performed by staff in regular establishment.

(d) the service paid from contingencies should have been continuous and followed by absorption

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in regular employment without a break.”

Apparently service rendered in work charge establishment is included but excluded if it is part time or for a portion of the day as is suggested by Rule 3.17 A(ii)(a).

*We find that the employee was engaged on work charge basis in the year 1996 and his services were regularized on 24.5.2013 in terms of the regularization policy applied to him. There is nothing on record to suggest that employee's services were being paid from contingencies as this issue was never pleaded or raised before the writ Court. It is only for the first time that such a plea is raised before this Court in LPA which we shall not permit. **There is also nothing on record which would even remotely suggest that the service of the employee was engaged only for contingencies and if the long term of employment is to be seen it clearly defies such a stand of the respondents. If a person can be engaged from 1996 till 2013 it could hardly be visualized to be a contingency as the need evidently was permanent.**”*

7. Once the petitioners have been regularized in view of perennial nature of services, which they have rendered since the year 2000, they are entitled to the same benefit for the purpose of pensionary benefits as well.

8. In the wake of aforesaid discussions, the present petition is partly allowed and the respondents are directed to count the past service/part time service rendered by the petitioners on daily wage basis



for the purpose of qualifying service and thereafter, recalculate and release the pension and other retiral benefits including gratuity, leave encashment and provident fund, etc. The petitioners shall also be extended the benefits of the Old Pension Scheme. All the necessary recalculations and disbursements shall be made within a period of three months from the date of receipt of a certified copy of this order. In case, the petitioners have already received any amount under the CPF Scheme, the same shall be paid or refunded by the petitioners.

9. The petitioners shall also be entitled to interest @ 6% per annum on the delayed payment of the retiral benefits from the date the same became due till the date of actual payment.

10. Pending miscellaneous application, if any, also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

17.03.2026
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No