

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

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**1. CWP No.17805 of 2009  
Date of Decision: 25.02.2010**

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Bhunda Ram . . . . Petitioner

VS.

UHBVNL and others . . . . Respondents

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**2. CWP No.17807 of 2009  
Date of Decision: 25.02.2010**

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Chand Ram . . . . Petitioner

VS.

UHBVNL and others . . . . Respondents

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**3. CWP No.17827 of 2009  
Date of Decision: 25.02.2010**

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Pali Ram . . . . Petitioner

VS.

UHBVNL and others . . . . Respondents

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**4. CWP No.17828 of 2009  
Date of Decision: 25.02.2010**

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Tara Chand . . . . Petitioner

VS.

UHBVNL and others . . . . Respondents

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**5. CWP No.17831 of 2009  
Date of Decision: 25.02.2010**

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Mangal Singh . . . . Petitioner

VS.

UHBVNL and others . . . . . Respondents

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**6. CWP No.17832 of 2009**  
**Date of Decision: 25.02.2010**

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Vijay Singh . . . . . Petitioner

VS.

UHBVNL and others . . . . . Respondents

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**7. CWP No.17838 of 2009**  
**Date of Decision: 25.02.2010**

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Dara Singh . . . . . Petitioner

VS.

UHBVNL and others . . . . . Respondents

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**8. CWP No.17846 of 2009**  
**Date of Decision: 25.02.2010**

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Nahar Singh . . . . . Petitioner

VS.

UHBVNL and others . . . . . Respondents

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**9. CWP No.17853 of 2009**  
**Date of Decision: 25.02.2010**

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Daya Singh . . . . . Petitioner

VS.

HVPNL and others . . . . . Respondents

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**10. CWP No.18031 of 2009**  
**Date of Decision: 25.02.2010**

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Prabhu Singh . . . . . Petitioner

VS.

UHBVNL and others . . . . . Respondents

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**11. CWP No.524 of 2010**  
**Date of Decision: 25.02.2010**

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Mulakh Raj Katariya . . . . . Petitioner

VS.

DHBVNL and others . . . . . Respondents

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**12. CWP No.562 of 2010**  
**Date of Decision: 25.02.2010**

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Bhagwan Dass . . . . . Petitioner

VS.

DHBVNL and others . . . . . Respondents

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**13. CWP No.684 of 2010**  
**Date of Decision: 25.02.2010**

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Shera . . . . . Petitioner

VS.

UHBVNL and others . . . . . Respondents

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**14. CWP No.1272 of 2010**  
**Date of Decision: 25.02.2010**

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Ram Niwas . . . . . Petitioner

VS.

UHBVNL and others . . . . . Respondents

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**15. CWP No.1411 of 2009**  
**Date of Decision: 25.02.2010**

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Raj Rani . . . . . Petitioner

VS.

UHBVNL and others . . . . . Respondents

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**16. CWP No.131 of 2010**  
**Date of Decision: 25.02.2010**

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Ishwar Singh . . . . . Petitioner

VS.

UHBVNL and others . . . . . Respondents

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**17. CWP No.294 of 2010**  
**Date of Decision: 25.02.2010**

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Raghubir Singh . . . . . Petitioner

VS.

UHBVNL and others . . . . . Respondents

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**18. CWP No.496 of 2010**  
**Date of Decision: 25.02.2010**

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Ram Sarup . . . . . Petitioner

VS.

DHBVNL and others . . . . . Respondents

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**19. CWP No.497 of 2010**  
**Date of Decision: 25.02.2010**

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Algu Ram . . . . . Petitioner

VS.

DHBVNL and others . . . . . Respondents

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**CORAM : HON'BLE MR.JUSTICE SURYA KANT**

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- 1. Whether Reporters of local papers may be allowed to see the judgment?
- 2. To be referred to the Reporters or not?
- 3. Whether the judgment should be reported in the Digest?

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Present: Mr. Jagbir Singh, Advocate for the petitioner

Mr. Narender Hooda, Advocate for the respondents

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**SURYA KANT J. (ORAL)**

- (1). This order shall dispose of **CWP No.17805, 17807, 17827, 17828, 17831, 17832, 17838, 17846, 17853, 18031 of 2009** and **CWPs No.131, 294, 496, 497, 524, 562, 684, 1411 & 1272 of 2010** as common questions of law and facts are involved in these cases. In view of the nature of order which I propose to pass and the fact that the Officers of the respondent-Corporation, who are present in Court, do not dispute the factual aspect, there is no necessity to seek counter-reply/affidavit from the respondents. For the sake of brevity, the facts are being extracted from CWP No.17805 of 2009.
- (2). The petitioner was appointed as a Team-mate on work-charged basis on 07.11.1968. He continued as such and was further appointed/promoted as Assistant Lineman on work-charged basis. His services were, thereafter, regularized as an Assistant Lineman on 17.01.1976. The petitioner retired from service on attaining the age of superannuation on 30<sup>th</sup> April, 2007.

- (3). The short grievance of the petitioner is that the work-charged service rendered by him w.e.f. 07.11.1968 till 16.01.1976 has not been counted towards the 'qualifying service' for pension and other retiral benefits. The question *as to whether or not the work-charged service followed by regularization is to be counted towards pensionary benefits* is not longer *res-integra*. The Full Bench of this Court in **Kesar Chand vs. State of Punjab** reported as **1998(2) PLR 223 (FB)** ruled that such work-charged service period shall have to be taken into consideration as a 'qualifying service' for the purposes of retiral benefits.
- (4). Faced with this, learned counsel for the respondent-Corporation points out that the Predecessor-Board of the respondents, namely, the Haryana State Electricity Board had issued a Policy Circular dated 06.08.1993 (Annexure P1), whereby, in the light of the Amendment dated 04.02.1992 carried out in the Punjab Civil Services Rules, Vol-II as applicable to the State of Haryana, 'fresh options' were invited from the work-charged employees for counting of their work-charged service towards pensionary benefits subject to the refund of the entire amount of

employer's contribution towards Provident Fund along with interest thereon received by such employee. The option was required to be exercised within a period of three months. It is alleged that the petitioner never exercised his option in response to the afore-stated Circular.

(5). The petitioner's case, on the other hand, is that as per Clause (iv) of the above-mentioned Circular, the instruction was required to be brought to the notice of every work-charged employee and acknowledgement of the receipt was to be obtained. But the said Circular was never sent to the petitioner nor was it ever brought to his knowledge through any means.

(6). The petitioner has urged that it was only on his retirement when the retiral benefits were paid to him on 7<sup>th</sup> May, 2007 for the service rendered from 17.01.1976 to 30.04.2007, that he came to know about the non-inclusion of his work-charged service towards the retiral benefits.

(7). The petitioner, thereafter, represented the respondent-authorities followed by a legal notice dated 15.02.2009 (Annexure P4). But having received no response from the respondents, he has approached this Court.

- (8). The solitary objection raised on behalf of the respondent-Corporation that the petitioner failed to avail the opportunity given to him way back vide Circular dated 06.08.1993 (Annexure P1), did not find favour with this Court in somewhat similar bunch of cases which were allowed and the SLPs preferred by the respondent-Corporation or its subsidiary Corporations, have also been dismissed by the Hon'ble Supreme Court vide **Civil Appeal No.4903 of 2009 (Dakshin Haryana Bijli Vitran Nigam & Others vs. Bachan Singh)** decided on 30.07.2009 (Annexure P5).
- (9). For the reasons afore-stated, the writ petition is allowed and the respondents are directed to allow the petitioner to exercise his option in terms of the Circular dated 06.08.1993 (Annexure P1) and/or subsequent Circulars dated 09.08.1994 (Annexure P2) within a period of *three months* from the date of receipt of certified copy of this order and thereafter, the respondent-Corporation shall inform the petitioner the amount of employer's contribution towards EPF to be deposited by him along with interest within a period of *one month* as stipulated under the Instructions and upon



receipt thereof, the petitioner shall deposit the same within a period of two months thereafter. After the receipt of amount to be deposited by the petitioner, the respondents are directed to count the work-charged service rendered by the petitioner w.e.f. 07.11.1968 to 16.01.1976 towards his pensionary benefits which shall, accordingly, be revised/released at the earliest.

(10). Ordered accordingly.

(11). **Dasti.**

**(SURYA KANT)  
JUDGE**

**25.02.2010**

*vishal shonkar*



सत्यमेव जयते

