

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

DATE OF DECISION: 27.10.2010

Satbir Singh and others

...Petitioners

VERSUS

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Jagbir Malik, Advocate for the petitioners

Mr.Sudhir Kumar, Advocate for respondents

Permod Kohli, J. (Oral)

Keeping in view the controversy involved and with the consent of learned counsel for the parties, this petition is disposed of at motion stage itself.

Petitioners were appointed on daily wage basis and subsequently their services were converted into work charge service. Their services were regularized. They are still serving. The petitioners are claiming pensionary and other retiral benefits by taking into consideration the entire service rendered by them, including the daily wage/work charge period.

The petitioners have referred to the judgment of the Hon'ble Supreme Court passed in Civil Appeal No.1772 of 2009 alongwith Civil Appeal

Nos.2776 of 2007, 8309 of 2009, 8310 of 2009 etc. decided on 10.12.2009 wherein the Hon'ble Supreme Court has allowed the daily wage period of service to be counted towards the qualifying service for the purpose of pension in terms of Rule 3.17(A) (amended) as applicable to the State of Haryana. The petitioners are similarly situated.

It is also acceded to by the learned counsel for the parties that the controversy with regard to counting of services rendered on work charge basis is no more res integra having been settled by the Hon'ble Supreme Court in case of **Dakshin Haryana Bijli Vitran Nigam & Others vs. Bachan Singh (Civil Appeal No.4903 of 2009 decided on 30.7.2009)**. In this view of the matter, the petitioner is entitled to the pensionary benefit by taking into consideration the work charge period. On the basis of the judgment in **Bachan Singh (supra)**, a coordinate Bench of this Court in a bunch of writ petitions including CWP No.17805 of 2009 (**Bhunda Ram vs. UHBVNL and others decided on 25.2.2010**) made following directions:-

“(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 6.8.1993 (Annexure P-1) and/or subsequent circulars dated 9.8.1994 (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 alongwith 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. 7.11.1968 to 16.1.1976 towards his pensionary benefits which shall accordingly be revised/released at the earliest.”

In view of the above, this petition is disposed of with a direction to the respondents to count the daily wage/work charge services of the petitioners towards qualifying service for pensionary/retiral benefits. Let the needful be done within a period of three months from the date a certified copy of this order is received by the competent authority.

(PERMOD KOHLI)
JUDGE

27.10. 2010
MFK

