



CWP-12826-2017 and others connected matters

2025:PHHC:178775



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

115+210(34 cases)+234+256

Date of Decision:22.12.2025

1. CWP-12826-2017

RAJESH KUMAR AND OTHERS
V/S
STATE OF PUNJAB AND OTHERS
PETITIONERS
RESPONDENTS
2. CWP-10031-2025

BIMLA DEVI
V/S
STATE OF PUNJAB AND OTHERS
PETITIONER
RESPONDENTS
3. CWP-10636-2024

ASHOK KUMAR
V/S
STATE OF PUNJAB AND OTHERS
PETITIONER
RESPONDENTS
4. CWP-10685-2024

GURMEET KAUR
V/S
STATE OF PUNJAB AND OTHERS
PETITIONER
RESPONDENTS



CWP-12826-2017 and others connected matters

2025:PHHC:178775



5.
RANGDEV SINGH

CWP-1923-2025

PETITIONER

V/S
STATE OF PUNJAB AND OTHERS

RESPONDENTS

6.
PAWAN KUMAR

CWP-10690-2024

PETITIONER

V/S
STATE OF PUNJAB AND OTHERS

RESPONDENTS

7.
RAJ PAL

CWP-10722-2024

PETITIONER

V/S
STATE OF PUNJAB AND OTHERS

RESPONDENTS

8.
HARJINDER SINGH

CWP-10736-2024

PETITIONER

V/S
STATE OF PUNJAB AND OTHERS

RESPONDENTS



CWP-12826-2017 and others connected matters

2025:PHHC:178775



9.
BAIJ NATH

CWP-10891-2024

PETITIONER

V/S
STATE OF PUNJAB AND OTHERS

RESPONDENTS

10.
VIJAY KUMAR

CWP-10954-2024

PETITIONER

V/S
STATE OF PUNJAB AND OTHERS

RESPONDENTS

11.
ROMINDER BIR SINGH

CWP-11030-2024

PETITIONER

V/S
STATE OF PUNJAB AND OTHERS

RESPONDENTS

12.
TEHAIL SINGH

CWP-13144-2024

PETITIONER

V/S
STATE OF PUNJAB AND OTHERS

RESPONDENTS



CWP-12826-2017 and others connected matters

2025:PHHC:178775



13.
CHARAN SINGH AND ANR

CWP-1403-2021

PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

RESPONDENTS

14.
BIMLA RANI

CWP-17470-2022

PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

RESPONDENTS

15.
MAHABIR PARSHAD AND OTHERS

CWP-17608-2024

PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

RESPONDENTS

16.
PARAMJIT SINGH @ PARMJIT SINGH AND ORS

CWP-18513-2024

PETITIONERS

V/S

STATE OF PUNJAB AND ORS

RESPONDENTS

17.
HARI HAR YADAV AND OTHERS

CWP-21530-2023

PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

RESPONDENTS



CWP-12826-2017 and others connected matters

2025:PHHC:178775



18. CWP-22653-2024
NIDHAN SINGH
PETITIONER
V/S
STATE OF PUNJAB AND OTHERS
RESPONDENTS
19. CWP-23079-2017
SUKHDEV SINGH AND ANR.
PETITIONERS
V/S
STATE OF PUNJAB AND ORS.
RESPONDENTS
20. CWP-23762-2023
OM PARKASH
PETITIONER
V/S
STATE OF PUNJAB AND OTHERS
RESPONDENTS
21. CWP-24274-2022
GURMEET RAM
PETITIONER
V/S
STATE OF PUNJAB AND OTHERS
RESPONDENTS



CWP-12826-2017 and others connected matters

2025:PHHC:178775



22. CWP-24324-2023
SANJIV KUMAR
PETITIONER
V/S
STATE OF PUNJAB AND OTHERS
RESPONDENTS
23. CWP-25194-2022
BALJINDER SINGH AND OTHERS
PETITIONERS
V/S
STATE OF PUNJAB AND OTHERS
RESPONDENTS
24. CWP-28132-2024
MEERA SHARMA
PETITIONER
V/S
STATE OF PUNJAB AND ORS
RESPONDENTS
25. CWP-31988-2025
RANJIT SINGH AND OTHERS
PETITIONERS
V/S
STATE OF PUNJAB THROUGH ITS SECRETARY AND OTHERS
RESPONDENTS



CWP-12826-2017 and others connected matters

2025:PHHC:178775



26. CWP-33549-2025
KEWAL KRISHAN AND OTHERS
PETITIONERS
V/S
STATE OF PUNJAB AND OTHERS
RESPONDENTS
27. CWP-34014-2024
OM PARKASH
PETITIONER
V/S
STATE OF PUNJAB AND OTHERS
RESPONDENTS
28. CWP-34089-2024
MADAN SINGH
PETITIONER
V/S
STATE OF PUNJAB AND OTHERS
RESPONDENTS
29. CWP-5163-2024
KULDEEP SINGH
PETITIONER
V/S
STATE OF PUNJAB AND OTHERS
RESPONDENTS



CWP-12826-2017 and others connected matters

2025:PHHC:178775



30.
SUKHWINDER SINGH

CWP-6937-2021

PETITIONER

V/S

PUNJAB STATE POWER CORPORATION LTD. AND OTHERS

RESPONDENTS

31.
RAJ KUMAR AND OTHERS

CWP-8597-2023

PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

RESPONDENTS

32.
PREM SAGAR AND ANOTHER

CWP-8700-2023

PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

RESPONDENTS

33.
AVTAR SINGH

CWP-9046-2024

PETITIONER

V/S
STATE OF PUNJAB AND OTHERS

RESPONDENTS

34.
IQBAL

CWP-9200-2024

PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

RESPONDENTS



CWP-12826-2017 and others connected matters

2025:PHHC:178775



35. CWP-20531-2021
 REENA PETITIONER
 VS
 STATE OF PUNJAB AND OTHERS RESPONDENTS

36. CWP-1229-2024
 ANJU BALA AND OTHERS PETITIONER
 VS
 STATE OF PUNJAB AND OTHERS RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lovish Arora, Advocate,
 for the petitioner(s) (in CWP-12826-2017).

Mr. K.L. Arora, Advocate for the petitioner(s)
 (in CWP-8700-2023 & 18513-2024).

Mr. P.S. Dhaliwal, Advocate,
 for the petitioner(s) (in CWP1403-2021).

Mr. R.K. Arora, Sr. Advocate with Mr. Prabhat K. Jalbera,
 Advocate and Mr. Jugam Arora, Advocate, for the petitioner(s)
 (in CWP-6937-2021).

Mr. Rajiv Joshi, Advocate for the petitioner in CWP-24274-
 2022.

Mr. Atul Arya, Advocate for the petitioner(s)
 (in CWP-17470-2022).

Mr. Pawan Kumar Goklaney, Advocate and
 Mr. Ashish Goklaney, Advocate for the petitioner(s)
 (in CWP-25194-2022).

Mr. Gagneshwar Walia, Advocate, Mr. Hargen Sethi,



CWP-12826-2017 and others connected matters

2025:PHHC:178775



Mr. Fateh Singh Dhillon, Advocates for the petitioner(s)
(in CWPs-23079-2017 and 8597-2023).

Mr. Jagdeep Singh, Advocate, for
Mr. K.S. Dadwal, Advocate for the petitioner(s)
(in CWP-21530-2023).

Mr. Harsh Chopra, Advocate for the petitioner(s)
(in CWP-23762-2023).

Ms. Narender Kaur, Advocate for the petitioner(s)
(in CWP-24324-2023).

Mr. Sonia G. Singh Samber and Ms. Seema Kumari, Advocate
for the petitioner(s)
(in CWP-5163-2024).

Mr. Mage Ram Sharma, Advocate,
for the petitioner(s) (in CWP-17608-2024).

Mr. Gurvinder Pal Singh, Advocate for Mr. P.S. Khurana,
Advocate for the petitioner(s) (in CWP-22653-2024).

Mr. Abhishek Singla, Mr. B.P.S Thakur and Ms. Tanya Sehgal,
Advocates for the petitioner(s)
(in CWPs-9046, 10636, 9200, 10685, 10690, 10722, 10736,
28132, 10891, 10954, 11030-2024, 31988, 33549-2025).

Ms. Alka Chatrath, Advocate and
Mr. Yuraj Dhananjaya, Advocate for the petitioner(s)
(in CWP-13144-2024).

Mr. Rajeev Dev Sharma, Advocate for the petitioner(s)
(in CWPs-34014-2024, 34089-2024 & 10031-2025).

Mr. Sanjeev Kumar Arora, Advocate
for the petitioner in CWP-12826-2017.

Mr. Vikas Arora, DAG, Punjab-State.

Mr. Rajesh Sehgal, Advocate for respondents No. 2 to 4
(in CWP-22653-2024).

Ms. Manjari Joshi, Advocate
for the respondent-Bank (in CWP-24274-2022).



CWP-12826-2017 and others connected matters

2025:PHHC:178775



Mr. Sanjeev Soni, Mr. Sarthak Soni, Mr. Vikramjit Kaur Soni, Ms. Nishtha Grover and Mr. Tara Dutt, Advocates for respondent-Municipal Corporation (in CWPs-1403-2021, 8597-2023, 8700-2023, 10636, 9046, 10685, 10690, 10722, 10736, 28132, 10891, 9200, 10954, 11030-2024).

Ms. Kulwinder Pal Kaur Gill, Advocate for Mr. Jastej Advocate for respondent No.3 (in CWP-24274-2022).

Mr. Navdeep Chhabra, Advocate for respondent No.3 (in CWP-17608-2024).

Mr. Inderpal Singh, Advocate for Mr. Nitin Kaushal, Advocate for respondent No.3 (in CWP-5163-2024).

Mr. Harpreet Singh Multani and Mr. Karanbir Singh Randhawa, Advocates, for respondents No.3 to 5 (in CWPs-23079-2017).

Mr. Sarthak Gupta, Advocate for respondent No.4 (in CWP-12826-2017).

Mr. B.R. Rana, Advocate for respondent No.4 (in CWP-17470-2022).

Mr. Gursimran S. Bawa, Advocate for respondent No.4 (in CWP-8700-2023).

Mr. Parminder Singh, Advocate for respondent No.5 (in CWP-25194-2022).

Mr. Parminder Singh, Advocate for respondent No.5 (in CWP-25194-2022).

Ms. Roja Agnihotri, Advocate for respondent-Municipal Corporation (in CWP-23762-2023).

Mr. Brijeshwar Vashist, Advocate for respondent No.5 (in CWP-24324-2023).

Ms. Kavita Arora, Advocate for respondent-Municipal Council Dera Baba Nanak & M.C. Malerkotla (in CWPs- 13144 and 18513-2024), respectively.

Mr. Alok Mittal, Advocate for respondent-PSPCL (in CWP-6937-2021).

Mr. Balram Singh, Advocate for respondent-M.C. in CWP-31988-2025.

Mr. Jaswinder Kaur, Advocate for Ms. Manjari Joshik, Advocate for respondent-Bank.



CWP-12826-2017 and others connected matters

2025:PHHC:178775



HARPREET SINGH BRAR, J. (Oral)

CM-5383-CWP-2025 in CWP-34014-2024

The present application has been filed under Section 151 of CPC for placing on record affidavit of Sh. Jagdeep Saigal, Joint director, Department of Local Government, Punjab on behalf of respondents No.1 and 2 along with Annexures R-1 to R-4.

In view of the grounds mentioned in the application, the same is allowed, as prayed for, subject to all just exceptions. Annexures R-1 to R-4 are ordered to be taken on record.

Registry is directed to place the same at an appropriate place.

Main

1. This order of mine shall dispose of the above-mentioned writ petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CWP-12826-2017.
2. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India, to count their entire service rendered on part-time basis followed by regular service for qualifying service for pension; and Grant them pensionary benefits as applicable to employees recruited prior to 01.01.2004 under the Punjab Municipal Employees Pension and General Provident Fund Rules, 1994.
3. Learned counsel for the petitioners *inter alia* contends that the petitioners' initial appointment in July 1994 prior to 01.01.2004 and their subsequent regularization in 2008 does not make them "new entrants" after the cut-off date. He relies on the Division Bench judgment of this Court in



CWP-12826-2017 and others connected matters

2025:PHHC:178775



Harbans Lal vs. State of Punjab, 2010 SCC Online P&H 8181, affirmed by the Supreme Court, wherein it was held that daily wage service rendered before regularization must be counted towards qualifying service for pension, and such employees are deemed to be in service prior to 01.01.2004. He also places reliance on ***State of Haryana vs. Jai Bhagwan, 2024 NCPHHC 95763***, where part-time service followed by regularization was directed to be counted for pension.

4. *Per contra*, learned counsel for the respondents submits that the petitioners were regularized after 01.01.2004 and are governed by the new pension scheme. Further they were part-time employees working only 4 hours a day and cannot be equated with full-time daily wagers. Simultaneously the petition suffers from delay and laches. The counsel further submits that when the petitioners accepted the employment they were well aware of the terms of regularization which excluded pensionary benefits.

5. Having heard the learned counsel for both the parties and after perusing the records it transpires that the petitioners have been in service of the respondent-Committee as Safai Sewaks since the year 1994 who were later regularised in the year 2008. Further the respondents have denied the claim made by the petitioners through representation dated 17.02.2017 and have held ***Harbans Lal (supra)*** to be inapplicable, distinguishing it on facts, without providing any reasoning for this conclusion.



CWP-12826-2017 and others connected matters

2025:PHHC:178775



6. Further, the service of the petitioners is also governed by the Rules of 1994. The relevant provisions of the same are reproduced below:

“1. Short title and commencement and application. –

(1) These rules may be called the Punjab Municipal Corporation Employees Pension and General Provident Fund Rules, 1994.

(2) They shall be deemed to have come into force on and with effect from the first day of April, 1990 in the case of employees who are members of the provincialised Service of a Corporation, and in the case of employees who are members of a non-provincialised Service of a Corporation, they shall come into force from such date, as the concerned Corporation may, determine, by a resolution passed in this behalf.

(3) They shall apply to the employees of the Corporations, -

- (i) who are appointed on or after the first day of April, 1990 on whole time regular basis; and*
- (ii) who were working immediately, before the first day of April, 1990 on whole time regular basis and opt for these rules :*

Provided that the employees who were working immediately before the first day of April, 1990 and who retired during the period between the first day of April, 1990 and the date of publication of these rules in the Official Gazette, shall have the option to opt for these rules within a period of four months from the date of publication of these rules, subject to the condition that they shall have to refund the Corporation's contribution towards their Contributory Provident Fund including interest thereon received by them together with simple interest on the whole amount at the rate of ten per cent per annum from the date of withdrawal to the date of repayment.

*(4) They shall **not** apply to the employees, who –*

- (a) opt out of these rules;*



CWP-12826-2017 and others connected matters

2025:PHHC:178775



(b) are members of All India Service or Punjab Civil Service;

(c) are paid out of contingencies;

(d) are work-charged employees;

(e) are employed after superannuation;

(f) are employed on contract basis, except when the contract provides otherwise; and

(g) are specifically excluded wholly or partly from the operation of these rules.

2. Definitions.-

(k) "qualifying service" means the service rendered under a Corporation for which an employee is paid from the Corporation fund and shall include any service rendered under the Government of Punjab, any Improvement Trust, a Committee or any other Public Sector Undertaking immediately before joining the Service;

(l) "Service" means the service rendered under the control of a Corporation;”

7. Admittedly, the salary of the petitioners was being paid from the municipal funds since their engagement on contract in the year 1994. Thus, in terms of Rule 2(k) of the Rules of 1994, the same must count towards qualifying service as no distinction has been made in this regard between regular and work-charged employees. Tritely, where an employee has been continuously working, on daily-wage or contract, for a significant duration of time, such service cannot be ignored while computing pensionary benefits. Such service in no way can be treated as engagement only for contingencies. The petitioners were regularised in view of the perennial nature of their services that they had been rendering since the year 1994. As such, they deserve the benefits of the same towards computation of pensionary benefits as well. Further, while striking down sub-rule (ii) of



CWP-12826-2017 and others connected matters

2025:PHHC:178775



Rule 3.17 of the Punjab Civil Services Rules, a Full Bench of this Court in ***Kesar Chand vs. State of Punjab and others AIR 1988 Punjab 265*** has held that when a certain duration of service is counted towards regularisation, the same must also be counted towards computation of pensionary benefits. Speaking through Justice G.R. Majithia, the following was held:

“19. In the light of the above, let us examine the validity of rule 3.17 (ii) of the Punjab Civil Services Rules Vol. II. This rule says that the period of service in a work-charged establishment shall not be taken into account in calculating the qualifying service. After the services of a work-charged employee have been regularised he becomes a public servant. The service is under the Government and is paid by it. This is what was precisely stated in the Industrial Award dated June 1, 1972, between the Workmen and the Chief Engineer, P.W.D. (B.& R.), Establishment Branch, Punjab, Patiala, which was published in the Government Gazette dated July 14, 1972. Even otherwise, the matter was settled by the Punjab Government Memo No. 14095-BRI (3)-72/5383 dated 6th February, 1973 (Annexure P7) where it was stated that all those work-charged employees who had put in ten years of service or more as on 15th August, 1972, their service would be deemed to have been regularised. Once the service of a work charged employee have been regularised, there appears to be hardly any logic to deprive him of the Pensionary benefits as are available to other public servants under rule 3.17 of the Rules. Equal protection of laws must mean the protection of equal laws for all persons similarly situated. Article 14 strike at arbitrariness because a provision which is arbitrary involves the negation of equality. Even the temporary or officiating service under the State Government had to be reckoned for determining the qualifying service. It looks to be illogical that the period of service spent by an employee in a work charged establishment before his regularisation has not been taken into consideration for determining his qualifying service. The classification which is sought to be made among Government servants who are eligible for lesion and those who started as work-charged employees and their services regularised subsequently, and the others is not based on any intelligible criteria and, therefore, is not sustainable at law. After the services of a work - charged employee have been regularised, he is a public servant like



CWP-12826-2017 and others connected matters

2025:PHHC:178775



any other servant. To deprive him of the pension is not only unjust and inequitable but is hit by the vice of arbitrariness, and for these reasons the provisions of sub rule (ii) of rule 3.17 of the Rules have to be struck down being violative of Article 14 of the Constitution.
(emphasis added)

8. Reliance in this regard can also be placed on the judgment rendered by this Court in ***Zile Singh vs. State of Haryana*** in ***CWP-626-2015*** 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 herebelow:-

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)



CWP-12826-2017 and others connected matters

2025:PHHC:178775



(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 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.** The ratio of the Full Bench in Kesar Chand's case (*supra*) has been correctly applied by the learned Single Judge and thus we do not find any reason to interfere in the present appeal, particularly, when it is also barred by a large unexplained delay of 318 days. Hence, instant appeal is hereby dismissed."*



CWP-12826-2017 and others connected matters

2025:PHHC:178775



9. Further, the provisions of the Rules of 1994 are akin to that of the Punjab Civil Services Rules, particularly Rule 3.17A. Both of these provisions call for casual or daily rated service to be counted towards qualifying service for the purpose of pensionary benefits. Thus, the contention that the petitioners are not eligible to have their past service counted as they have been regularised recently deserves to be rejected. A Division Bench of this Court in *Harbans Lal (supra)* has emphatically held that if an employee was appointed prior to the introduction of the new scheme but was regularised subsequent to the same, he would still be governed by the old scheme. The following was opined:

“12. ...We come to the conclusion that the petitioners' initial date of appointment after regularisation will be the date on which employee takes charge of the post. Once the entire service of a daily wager is to be counted as qualifying service then his date of appointment will relegate back to his initial date of appointment i.e. 1988 and he cannot be ousted from pension scheme by applying the date of regularisation i.e. 28.3.2005 which is evidently after the new scheme or new restructured defined Contribution Pension Scheme came into force w.e.f. 1.1.2004.

xxx

xxx

xxx

15. This view has been followed by a Division Bench of this Court in case of *Hans Raj v. State of Punjab and others*, 2005(3) RSJ 262. In this case the Division Bench examined the Punjab Municipal Employees Pension and General Provident Fund Rules, 1994. Vide instructions dated 8.1.1999, the State of Punjab had provided that since the Pension Rules has been made applicable in lieu of CPF, the period to be considered as qualifying for pension has to be restricted to the period for which the employee was contributing to his CPF. These instructions were held contrary to the Pension Rules by the Division Bench. The Division Bench held that the said instructions cannot substitute or supplant the substantive



CWP-12826-2017 and others connected matters

2025:PHHC:178775



provisions of the Pension Rules. The petitioner was held entitled to count his entire service from 1962 to 1998 as qualifying service for the purpose of pension. The condition that qualifying service would commence from the date of contribution to the CPF, has been rejected by the Division Bench.

16. From the above discussion, we have come to the conclusion that the entire daily wage service of the petitioner from 1988 till the date of his regularisation is to be counted as qualifying service for the purpose of pension. He will be deemed to be in govt. service prior to 1.1.2004. The new Re-structured Defined Contribution Pension Scheme (Annexure P-1) has been introduced for the new entrants in the Punjab Government Service w.e.f. 01.01.2004, will not be applicable to the petitioner. The amendment made vide Annexure P-2 amending the Punjab Civil Services Rules, cannot be further amended by issuing clarification/instructions dated 30.5.2008 (Annexure P-3). The petitioner will continue to be governed by the GPF Scheme and is held entitled to receive pensionary benefits as applicable to the employees recruited in the Punjab Govt. Services prior to 1.1.2004.”

(emphasis added)

10. Pertinently, a two Judge Bench of the Hon’ble Supreme Court in *Uday Pratap Thakur vs. State of Bihar 2023 INSC 461*, while speaking through Justice M.R Shah, made the following observations in this regard:

“6.3 Now, insofar as the reliance placed upon the decision of this Court in the case of Prem Singh (supra) by the learned counsel appearing on behalf of the appellants is concerned, the reliance placed upon the said decision is absolutely misplaced. In the said case, this Court was considering the validity of Rule 3(8) of the U.P. Retirement Benefit Rules, 1961, under which the entire service rendered as work charged was not to be counted for qualifying service for pension. To that, this Court has observed and held that after rendering service as work charged for number of years in the Government establishment / department, denying them the pension on the ground that



CWP-12826-2017 and others connected matters

2025:PHHC:178775



they have not completed the qualifying service for pension would be unjust, arbitrary and illegal. Therefore, this Court has observed and held that their services rendered as work charged shall be considered / counted for qualifying service.
This Court has not observed and held that the entire service rendered as work charged shall be considered / counted for the quantum of pension / pension. The decision of this Court in the case of Prem Singh (supra), therefore, would be restricted to the counting of service rendered as work charged for qualifying service for pension.”

(emphasis added)

11. The petitioners’ regularization after 01.01.2004 does not alter their status as employees appointed prior to the cut-off date. As held in ***Harbans Lal (supra)***, the date of initial appointment relates back for the purpose of pension.

12. In view of the above, the present writ petition is disposed of.
The respondents are directed to:

- (a) Count the entire service rendered by the petitioners from July 1994 (initial part-time appointment) till the date of regularization as qualifying service for pension;
- (b) Treat the petitioners as covered under the General Provident Fund Scheme applicable to employees recruited prior to 01.01.2004; and
- (c) Compute and release all consequential pensionary benefits, including arrears, within three months from the date of receipt of a certified copy of this order.



CWP-12826-2017 and others connected matters

2025:PHHC:178775



(d) Needless to say, when the petitioners retire, they shall be entitled to pensionary benefits as calculated by taking 01.02.1994 as their date of appointment.

13. No order as to costs.

14. Pending miscellaneous applications, if any, shall also stand disposed of.

15. Photocopy of this order be placed on the files of the connected cases.

(HARPREET SINGH BRAR)
JUDGE

December 22, 2025

P.C

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No