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

RSA-2919-2013 (O&M)

GANGADHAR SHARMA

.....Appellant

Vs.

PSEB NOW PUNJAB STATE ELECTRICITY CORP. LTD. AND ORS.

.....Respondents

Reserved on : 14.05.2026

Pronounced on: 15.05.2026

Uploaded on: 22.05.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Rajesh Tushar, Advocate for
Mr. S.K. Sharma, Advocate
for the appellant.

Ms. Promila Nain, Sr. Advocate with
Mr. Pranab Bansal, Advocate
for the respondents.

SUDEEPTI SHARMA J.

1. The present appeal is preferred against judgment and decree dated 08.02.2012 passed by learned Civil Judge (Jr. Division), Hoshiarpur and judgment and decree dated 16.01.2013 passed by learned Additional District Judge, Hoshiarpur, whereby, the civil suit as well as the appeal filed by the appellant were dismissed respectively.

2. Brief facts of the case as per the civil suit are that appellant filed civil suit for declaration for fixation of his pay considering his date of appointment as 07.04.1955 and for counting his work charge service for the period from 07.04.1955 to 02.09.1958 for pensionary benefits. He filed civil suit which was dismissed by learned Civil Judge (Jr. Division), Hoshiarpur



vide judgment and decree dated 08.02.2012. He filed appeal against judgment and decree dated 08.02.2012 which was also dismissed by learned Additional District Judge, Hoshiarpur vide judgment and decree dated 16.01.2013. Hence, the present regular second appeal.

3. Learned counsel for the appellant contends that both the Courts failed to appreciate the evidence (oral as well as documentary) on record and dismissed the civil suit as well as the appeal filed by the appellant. He, therefore, prays that the present regular second appeal be allowed.

4. *Per contra*, learned counsel for the respondents contends that both the Courts have rightly appreciated the evidence on record and dismissed the civil suit as well as the appeal filed by the appellant. He, therefore, prays that the present regular second appeal be dismissed.

5. I have heard learned Counsel for the parties and perused the whole record of this case with their able assistance.

6. The only substantial questions involved in the present appeal are:-

- i. *Whether service rendered by appellant from 07.04.1955 to 30.05.1991 as work charge would be counted for pensionary benefits.*
- ii. *whether the civil suit filed for pensionary benefits is barred by limitation?*

7. The answer to both the questions is no more *res integra*.

8. Both the Courts have totally ignored the law laid down by this Court in ***Kesar Chand vs. State of Punjab through the Secretary, P.W.D.B. and R., Chandigarh and Ors., 1988 AIR Punjab and Haryana 265***, while dismissing the civil suit as well as appeal filed by the appellant. A further perusal of the record shows that both the Courts have held the civil suit to be



barred by limitation without appreciating the fact that the cause of pensionary benefits is a recurring cause of action.

9. So far as the first question is concerned, reference at this stage can be made to judgment of Full Bench of this Court in a case of **Kesar Chand vs. State of Punjab through the Secretary, P.W.D.B and R, Chandigarh and ors, 1988 AIR Punjab and Haryana 265**, wherein it was held that the period of service spent by an employee as work charged service rendered before regularization, is liable to be taken into consideration for determining his qualifying service for the purpose of pension. The relevant portion of the judgment reads as under:-

“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 services would be deemed to have been regularised. Once the services 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 strikes at arbitrariness because a provision which is arbitrary involves the negation equality. Even the temporary or officiating service under the State Government has, 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 eligible for pension and those who started work-charged employees and their services regularised subsequently, and the others is based on any intelligible criteria and, before, is not sustainable at law. After the services of a work-charged employee have been regularised, he is a public servant like other servant. To deprive him of the pension is not only unjust and inequitable is hit by the vice of arbitrariness, and for se 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.

10. Hon'ble the Supreme Court of India in a case of ***Habib Khan vs. State of Uttarakhand and others, 2018 (1) SCT 283*** held that period of service rendered on work charge basis by employee should be counted for the purpose of computation of "qualifying service" for grant of pension. The relevant portion of the judgment reads as under:-

*"6. The pari materia provision contained in Rule 3.17(ii) of the Punjab Civil Services Rules had been struck down by a Full Bench decision of the Punjab and Haryana High Court in **Kesar Chand v. State of Punjab and ors., 1988 (5) SLR 27**. The challenge by the State against the aforesaid decision of the Full Bench of the Punjab and Haryana High Court was negated by this Court. The matter came up for consideration before this Court, once again, in the case of **Punjab State Electricity***



Board and anr. v. Narata Singh and anr., 2010(2) S.C.T. 732 : (2010) 4 SCC 317. While dealing with the said question this Court in paragraph 25 of the report held that the Full Bench decision of the Punjab and Haryana High Court was perfectly justified in striking down Rule 3.17(ii) of the Punjab Civil Services Rules resulting in obliteration of the distinction made in the said Rules between 'temporary and officiating service' and 'work-charged service'. On the said basis, this Court took the view that the period of work-charged service should be reckoned for purposes of computation of 'qualifying service' for grant of pension.

7. As already observed, the provisions of Rule 370 of the Civil Service Regulations applicable to the State of Uttarakhand are *pari materia* with the provisions of Rule 3.17(ii) of the Punjab Civil Services Rules, discussed above. If that is so, we do not see as to why the period of service rendered on work-charged basis by the appellants should not be counted for purposes of computation of 'qualifying service' for grant of pension. The *pari materia* provisions of Rule 3.17(ii) of the Punjab Civil Services Rules having been interpreted and understood in the above manner by this Court in *Narata Singh (supra)* we do not find any room for taking any other view except to hold that the appellants are entitled to reckon the period of work-charged service for purposes of computation of 'qualifying service' for grant of pension. We order accordingly; allow these appeals and set aside the impugned orders passed by the High Court.”

11. In view of the above, the service rendered by appellant from 07.04.1955 to 30.05.1991 is held to be counted as qualifying service for pensionary benefits.



12. Hon'ble Supreme Court in *M.S. Patil (Dead) though LRs Vs. State of Goa and Anr., 2022 LiveLaw (SC) 537* held that pension is a continuous cause of action. There is no justification in denying the arrears of pension on the ground of delay.

13. In view of the above, both the questions are answered in favour of the appellant.

14. In view of the above, judgment and decree dated 08.02.2012 passed by learned Civil Judge (Jr. Division), Hoshiarpur and judgment and decree dated 16.01.2013 passed by learned Additional District Judge, Hoshiarpur are hereby set aside.

15. Accordingly, the present regular second appeal is ***allowed***.

16. Decree sheet be prepared accordingly.

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

15.05.2026

Saahil/Ayub

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No