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

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Date of Decision: 22.07.2025

The Punjab State Power Corporation Ltd. and othersAppellants

Vs.

Kuldip Singh (Retd.)Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Shreesh Kakkar, Advocate,
for the appellants.

SUDEEPTI SHARMA J. (ORAL)**CM-409-C-2025**

1. The present application has been filed under Section 5 of the Limitation Act, 1963, for condonation of delay of 32 days in filing the present appeal.

2. For the reasons mentioned in the application, the same is allowed and the delay of 32 days in filing the present appeal is condoned.

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1. The present Regular Second Appeal is preferred against the judgment and decree dated 23.02.2023 passed by the learned Civil Judge (Junior Division), Gurdaspur, whereby, the suit for declaration filed by the respondent was decreed in his favour and the judgment and decree dated



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30.04.2024 passed by the learned Additional District Judge, Gurdaspur, whereby, the appeal filed by the appellants against the judgment and decree dated 23.02.2023, was partly allowed.

2. Brief facts of the case are that the respondent was appointed as appointed as Security Guard w.e.f 08.10.1987 at Ghoman as Work Charge employee/Daily wage employee. His date of birth is 25.09.1952. He was initially appointed on work charge basis. Thereafter, his services were regularized on 26.02.1992 and he joined at Phagwara on 05.03.1992 and till 1992 he remained working as work charge employee and till 1992 he was working as work charge employee. He retired on attaining the age of superannuation w.e.f. 30.09.2010 while working as Security Guard at Head Office Patiala. The appellant-PSPCL issued a circular/letter dated 01.07.1991 for counting the ad hoc/work charge service of its employee towards fixation of pensionary benefits. After his retirement, respondent was issued PPO No9274/10-11 dated 20.12.2010 and was getting less pension due to non-counting of ad hoc/work charge service towards fixation of his pensionary benefits. His prior service of 05 years before regularization was not counted towards pensionary benefits. He filed civil suit for declaration to the effect that he is entitled to get the benefit of 05 years of temporary/ad hoc service counted for fixation of retiral benefits. The civil suit filed by him was decreed in his favour vide judgment and decree dated 23.02.2023 passed by the learned Civil Judge (Junior Division),



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Gurdaspur. The appeal filed by the appellants against the judgment and decree dated 23.02.2023 was partly allowed by the learned Additional District Judge, Gurdaspur, vide its judgment and decree dated 30.04.2024. Hence, the present regular second appeal.

3. Learned counsel for the appellants contends that both the Courts did not appreciate the very fact that no demand notice was served upon the appellant-PSPCL and without appreciating the evidence on record, decreed the suit filed by the respondent in his favour and partly allowed the appeal filed by the appellant. He, therefore, prays that the present appeal be allowed.

4. I have heard learned counsel for the appellants and perused the case file with his able assistance.

5. Ad hoc appointment letter of the appellant is part of record as Exhibit P-1, Pension Pay Order dated 23.01.2023 is Exhibit P-2. The undisputed facts are that respondent was appointed as Security Guard on 08.10.1987 at Ghoman as work charge employee/daily wage employee. His date of birth is 25.09.1952. He was regularized on 26.02.1992 and joined at Phagwara on 05.03.1992 and till 1992, he remained working as work charge employee. Thereafter, on attaining the age of superannuation, he retired on 30.09.2010 while working as Security Guard at Head Office Patiala. The question before the Civil Court was as to whether the service of the respondent as work charge employee/daily wage employee for the period



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from 08.10.1987 to 26.02.1992 is to be counted for fixation of pensionary benefits.

6. The Full Bench of this Court in **Kesar Chand Vs. State of Punjab, 1989 (II) RSJ 629** has held that service held by the appellant as daily wager is to be counted towards qualifying service and is liable to be counted for pensionary benefits. Since the law is settled by the Full Bench of this Court in **Kesar Chand's case (supra)**, therefore, learned Civil Judge (Junior Division), Gurdaspur, vide its judgment and decree dated 23.02.2023, has rightly decreed the civil suit in favour of the respondent and the learned Additional District Judge, Gurdaspur, vide its judgment and decree dated 30.04.2024, has held the respondent entitled to arrears of pension for the period of 03 years preceding the filing of suit i.e. from December 2016 onward, while dismissing the appeal filed by the appellants.

7. Hon'ble the Supreme Court in **Prem Singh Vs. State of Uttar Pradesh, 2019(10) SCC 516** affirmed the judgment passed by the Full Bench of this Court in **Kesar Chand's case (supra)**.

8. In view of the above, I do not find any infirmity or illegality in the judgment and decree dated 23.02.2023 passed by learned Civil Judge (Junior Division), Gurdaspur and judgment and decree dated 30.04.2024 passed by the learned Additional District Judge, Gurdaspur, and the same are hereby upheld.

9. Consequently, the present appeal is hereby **dismissed**.



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10. Decree sheet be drawn.
11. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

22.07.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No