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

**LPA-106-2025 (O&M)**

**Date of Decision: 16.01.2025**

NAGAR PANCHAYAT, SARDULGARH

. . . . Appellant

**Vs.**

JAGDEV SINGH AND OTHERS

. . . . Respondents

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**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA  
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

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Present: Mr. M.S. Virk, Advocate for  
Ms. Puneet Kaur Sekhon, Advocate  
for the appellant.

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**SANJEEV PRAKASH SHARMA, J.(Oral)**

**CM-240-LPA-2025**

Application for condonation of delay of 218 days in filing of appeal is allowed, and accordingly delay is condoned.

**Main case**

1. The appellant assails the order dated 09.04.2024 passed by the learned Single Judge whereby he has allowed the writ petition directing the case of the petitioner to be governed by the judgment passed in *Jeewan Lata vs. The State of Punjab and others, 2019 (4) SCT 271*, and *Harbans Lal vs. State of Punjab and others in CWP-2371-2010, decided on 31.08.2010*. It is stated that the petitioner was appointed on contract basis on 20.12.1987, whereafter he was regularized on the



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post on 28.07.2011, having rendered more than 10 years of service, whereafter he was retired from the post of Clerk on 31.05.2014. The contention of the respondent/writ petitioner was that his previous service from 1987 till regularization has not been counted towards qualifying service.

2. The learned Single Judge after having considered the judgment passed in the case of *Harbans Lal (supra)* allowed the writ petition, treating the said period of service as qualifying service and accordingly granting Old Pension Scheme benefit, as the service was rendered from 20.12.1987 when the Old Pension Scheme was invoked.
3. We find that the view taken by the Single Judge does not warrant any interference, as in a recent judgment passed by the Supreme Court in the case of *State of Himachal Pradesh and another vs. Sheela Devi, 2023 (3) PLJR 413*, the Supreme Court held as under:

*“9. The Learned Advocate General is correct in his interpretation, inasmuch as a facial reading of Rule 2(g) would indicate that contractual employees are excluded from the pale of Pension Rules. However, what is significant is that the rule itself in its opening terms saves the application of other provisions of the pension rules: "Save as otherwise provided in these rules". If the opening phrase of Rule 2 were to be understood in this context, any interpretation of Rule 17 as is urged by the State would render such substantive provision redundant. Rule 17 was engrafted essentially to cater to the eventuality, where the employees working on contract basis were regularized at a later stage. It is only for the purposes of pension that the*



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*past service as a contractual employee is to be taken into account.”*

4. In view of above, no case for interference is made out. LPA stands accordingly dismissed.
5. All pending applications also stand disposed of.

**(SANJEEV PRAKASH SHARMA)**  
**JUDGE**

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

**16.01.2025**

*Mohit goyal*

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

***Yes/No***  
***Yes/No***