

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

CWP No. 16757 of 2015
Date of decision: 14.08.2015

Inderjeet SinghPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. R.K. Arora, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The relief sought in the present writ petition is for granting the petitioner the benefit of old GPF Pension Scheme and not to treat the petitioner as a new entrant in service from 10.07.2009 i.e. the date of his regularization on the post of Lecturer (Civil) and for quashing of clause no. 2 in the office regularization order whereby, pensionary benefits were to be given from the date of regularization.

It is the case of the petitioner that he joined as a Lecturer (Civil) on ad hoc basis at Amritsar on 31.10.1989 and services were regularized on 10.07.2009 with the above objectionable clause. Similarly situated one Balwinder Singh, Lecturer (Physics) has also been regularized vide the same order. After regularization, the respondent no. 2 had written to respondent no. 1 for allotment of GP fund number to the petitioner and the said Balwinder Singh on 21.04.2010 (Annexure P-3) so that deduction could be done from the salary of the aforesaid concerned employees. Vide the communication dated 25.05.2010, it had been replied by respondent no.

1 that the employees had been regularized on 13.07.2009 and would fall under the new defined contributory scheme w.e.f. 01.01.2004. The said Balwinder Singh had approached this Court in CWP No. 22134 of 2010 which had been allowed on 27.04.2012 and it had been held that the entire service of the petitioner therein is to be counted for pensionary benefits. Reliance is also placed in the said case on a Division Bench judgment of this Court in ***CWP No. 2371 of 2010, Harbans Lal vs. State of Punjab and others***, wherein, it was held that the new Re-structured Defined Contribution Pension Scheme was not to be applicable to employees who had been employed on daily wage service etc. and the said service was to be counted for the purpose of pension and the employee was to be deemed to be in government service prior to 01.01.2004. It is accordingly submitted that in pursuance of the said decision, the said Balwinder Singh had been granted the benefit on 27.01.2015 (Annexure P-7) subject to the decision of the review petition filed in SLP (C) No. 17901 of 2011, State of Punjab vs. Harbans Lal.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Punjab accepts notice. Copies of the writ petition have been supplied to him.

Counsel for the petitioner submits that he will be satisfied at this stage if a decision is taken in the same terms on his representation which he had filed through proper channel on 16.03.2015 (Annexure P-10) and 16.04.2015 (Annexure P-11).

Accordingly, keeping in view the limited relief which is prayed for, this Court does not feel it necessary to call upon the State to file reply.

The present writ petition is disposed of with a direction to

respondent no. 2 to look into the representations (Annexures P-10 and P-11) and keeping in view the above facts, take a decision within a period of 3 months from the date of receipt of the certified copy of the order. Needless to say that if the relief is to be denied to the petitioner, then reasoned order be passed by the said respondent.

14.08.2015
shivani

(G.S. SANDHAWALIA)
JUDGE