

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

Date of decision:26.11 2015

CWP No.24603 of 2015

Harpreet Singh & ors. ... Petitioners

Versus

State of Punjab & ors. ... Respondents

CWP No.24609 of 2015

Karamjeet Singh & ors. ... Petitioners

Versus

State of Punjab & ors. ... Respondents

CWP No.24630 of 2015

Ranjit Singh & ors. ... Petitioners

Versus

State of Punjab & ors. ... Respondents

CWP No.24631 of 2015

Kulbir Singh & ors. ... Petitioners

Versus

State of Punjab & ors. ... Respondents

CWP No.24633 of 2015

Harbir Singh & ors. ... Petitioners

Versus

State of Punjab & ors. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Madhav Pokhrel, Advocate,
for the petitioners.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

This order will dispose of writ petitions bearing No.24603, 24609, 24630, 24631 and 24633 of 2015 as common questions of law and fact are involved in them which can conveniently be decided by a common order.

Mr. Madhav Pokhrel appearing for the petitioners relies on the judgment of this Court rendered in **CWP No.22478 of 2015** titled as “Gurmeet Singh & ors. v. State of Punjab & ors.”, decided on October 19, 2015 and two other connected cases.

The Coordinate Bench passed the following order:-

“The present order shall dispose of three writ petitions i.e. CWP Nos.22478, 22481 and 22491 of 2015 since common questions of law and facts are involved in all the writ petitions. Facts are being taken from ***CWP No.22478 of 2015, Gurmeet Singh and others vs. State of Punjab and others.***

The present writ petition seeks the relief of old pension scheme CWP No.22478 of 2015 to the petitioners under the Pension Rules as were applicable in the year 2002 when the names of the petitioners were recommended by the Punjab Subordinate Services Selection Board for the regular appointment.

The case of the petitioners is that their names were recommended in February, 2002 for the post of Multi Purpose Health Workers on regular basis but they were offered appointment on contractual basis leading to litigation, which came to end on 18.01.2005 in CWP No.13927 of 2003, Satnam Singh and others vs. State of Punjab and others. The State chose to withdraw

the SLP and appointment orders were issued in the year 2007. In the interim period in the year 2004, Government of Punjab had introduced a new defined Contributory Pension Scheme called CPF replacing the earlier pension provision which was to be applicable from 01.01.2004 and the petitioners, who were issued appointment letters in December, 2007, were given the benefit of the said scheme. This Court, in CWP No.1244 of 2011, *Rupinder Pal vs. State of Punjab* decided on 06.05.2011 (Annexure P-6) held that when cases were forwarded to various departments for appointment would be the relevant date and the subsequent CPF would not be applicable and the employees were accordingly eligible for the benefit of pension before the operation of the scheme. The said judgment was further upheld in LPA No.108 of 2012 on 08.12.2012 (Annexure P-7)

Counsel for the petitioner fairly submits that he has already sent a legal notice for the necessary relief on 22.01.2015 (Annexure P-5) and submits that he would be satisfied if a time bound direction is given to the respondents to decide the said issue.

Keeping in view the limited relief sought, this Court does not feel necessary to call upon the respondents to file reply.

Accordingly, keeping in view the judgment of this Court in *Rupinder Pal's case (supra)*, the present writ petition is disposed of with a direction to respondent No.2 to decide the legal notice dated 22.01.2015 (Annexure P-

5) within a period of 3 months from the date of receipt of certified copy of the order. Needless to say if the relief is to be denied, the order shall contain reasons.”

Learned counsel submits that these matters can be disposed of in the same terms as the aforesaid order as the issue is common. He points out that the petitioners were parties to the litigation in 2003, which was disposed of in terms of the previous order passed by the Division Bench of this Court on January 18, 2005 in CWP No.13995 of 2003 in case titled 'Jagmeet Singh & ors. v. State of Punjab & ors.' and connected cases (Annexure P-2). The SLP filed by the State of Punjab before the Supreme Court was withdrawn on November 19, 2007 and the judgment of this Court attained finality. The intervening litigation led to delay in appointments of the petitioners and they could join service as Multi Purpose Health Workers only in the year 2007 whereas they had a right to appointment much earlier. They claimed rights as in *Gurmeet Singh's case (supra)* for benefit of the old pension scheme as was admissible prior to January 1, 2004, which is the question involved in the present bunch of cases heard today.

The prayer of the learned counsel is accepted as fair and reasonable. Instead of wasting further time in issuing notice to the State on a matter which appears not to be *res integra* any longer then the better course to adopt is to direct the decision-maker amongst the respondents to decide the legal notice (Annexure P-5) dated December 22, 2014 served by the petitioners in terms of the direction passed in *Gurmeet Singh's case (supra)*. However, the period of compliance would remain 3

months from the date of receipt of certified copy of this order. The rest of the terms will remain the same. Reference to legal notices and their dates and placement in annexures will be read in each of the cases in hand *mutatis mutandis*.

Accordingly, the petitions are disposed of in terms of the decision rendered in *Gurmeet Singh's case (supra)*.

(RAJIV NARAIN RAINA)
JUDGE

26.11.2015
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