

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

CWP No.25161 of 2015(O&M)
Decided on: 02.12.2015

Vishal Sharma & ors.

.... Petitioners

vs.

State of Punjab & ors.

.... Respondents

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

Present: Mr. Ranjivan Singh, Advocate
for the petitioners.

G.S.Sandhawalia, J.(Oral)

The present writ petition seeks the relief of old pension scheme 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 interregnum 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-4) 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-5).

Counsel for the petitioner fairly submits that he has already sent a legal notice for the necessary relief on 28.10.2015 (Annexure P-8) and submits that he would be satisfied if a time bound direction is given to the respondents to decide the said issue.

Notice of motion.

Mr. R.S.Sidhu, AAG, Punjab accepts notice on behalf of respondent-State. Copy of the paper book has also been furnished to the State counsel.

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

28.10.2015 (Annexure P-8) 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.

02.12.2015
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(G.S. SANDHAWALIA)
JUDGE