

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

**CWP No.25236 of 2015
Date of decision: 3.12.2015**

Bakhsish Singh & ors.

... Petitioners

Versus

The State of Punjab & ors.

... Respondents

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

Present: Mr. SK Arora, 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)

1. The claim in this petition is based on an assertion of the right to pension in the erstwhile pension scheme prevailing prior to January 1, 2004 after which date the regime of Contributory Pension Scheme has been introduced and service pension has been done away with. The petitioners were either Pump Operators, Mali-cum-Chowkidars or Beldars appointed in these capacities on daily wage basis on different dates spanning the period of 1987 to 1990. Their services were regularized w.e.f May 24, 2011. The petitioners have submitted a legal notice dated January 12, 2015 (Annexure P-15) relying on numerous judgments of the Supreme Court and this Court involving various facets of the issue in dispute and they claim parity of treatment as declared and handed down in judicial precedents in favour of similarly situated persons as the present petitioning class of employees. This legal notice dated 12.1.2015 (Annexure P-15) has not been decided so far.

2. Very recently, the Supreme Court has dismissed the review

petition No.20386 of 2013 in Special Leave Petition NO.23548 of 2012 and connected cases titled “State of Punjab & ors. vs. Harbans Lal” on November 4, 2015 on the same issue. It is urged that this paves the way for relief to the present petitioners. It may be noticed that the Supreme Court has upheld the concurrent orders of the learned Single Judge as upheld by the Letters Patent Bench granting relief retrospectively so as to activate and revive rights prevailing before the new scheme or new restructured policy of Contributory Pension Scheme came into force w.e.f. January 1, 2004. Since the legal notice is pending, the request of the learned counsel for the petitioners is found fair and reasonable and the decision-maker amongst the respondents would decide the legal notice in a time bound manner in the first instance.

3. Without expressing any opinion on the merits of the case, a direction is issued to the respondents to decide the legal notice (Annexure P-15) within two months from the date of receipt of certified copy of this order. In case the prayer is accepted, relief be given and the amount of contributions deposited in the Contributory Provident Fund from time to time be called for refund to the Government so that the old pension scheme is given effect to in the case of the petitioners, in case their claim to the old pension scheme is found legally justified. If not, then hearing and necessity of passing reasoned order will follow within the same period of time as directed above.

4. With these directions, the petition stands disposed of.

3.12.2015**monika****(RAJIV NARAIN RAINA)
JUDGE**