

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

CWP-26476-2015

Date of decision: 19.12.2015

U.T. of Chandigarh Administration & Ors.

.....Petitioners

Versus

Roshan Lal & Ors.

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. Sanjeev Sharma, Senior Standing Counsel with
Mr. Vikram Vir Sharda, Addl. Standing Counsel
for petitioners.

M. JEYAPPAUL J. (Oral)

Heard the submissions made by learned Senior Counsel
appearing for the writ petitioners.

The issue which has arisen for determination in this writ
petition has already been decided by the Coordinate Bench of this Court
in CWP No.2371 of 2010 vide order dated on 31.08.2010, which reads as
follows:-

“From the above discussion, we have come to the conclusion that the entire daily wage service of the petitioner from 1988 till the date of his regularization is to be counted as qualifying service for the purpose of pension. He will be deemed to be in govt. service prior to 1.1.2004. The new Re-structured Defined Contribution Pension Scheme (Annexure P-1) has been introduced for the new entrants in the Punjab Government Service w.e.f. 01.01.2004, will not be applicable to the petitioner. The amendment made vide Annexure P-2 amending the Punjab Civil Services Rules, cannot be further amended by issuing clarification/instructions dated 30.05.2008 (Annexure P-3). The petitioner will continue to be governed by the GPF Scheme and is held entitled to receive pensionary benefits as applicable to the employees recruited in the Punjab Govt. Services prior to 01.01.2004.

In view of the above, the writ petition is allowed. Accordingly respondents are directed to treat the whole period of work charge service as qualified service for pension because accordingly to clarification issued on 30.05.2008 (Annexure P-3), the new defined Contributory Pension Scheme would be applicable to all those employees who have been working prior to 01.01.2004 but have been regularized thereafter. Let his pension and arrears be calculated and paid to him expeditiously, preferably within a period of three months from the date of receipt of copy of this order.”

As the issue involved in this writ petition has already been determined by the Coordinate Bench of this Court, we find that there is no merit in this writ petition. Therefore, the writ petition stands dismissed.

(M. JEYAPPAUL)
JUDGE

19.12.2015
sunil yadav

(DARSHAN SINGH)
JUDGE