

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

**CWP No.10376 of 2014
Date of decision: 30.3.2016**

Subhash Chand & ors.

... Petitioners

Versus

The State of Punjab & anr.

... Respondents

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

Present: Mr. Manu K. Bhandari, Advocate,
for the petitioners.

Mr. Harkesh Manuja, Addl.AG, Punjab.

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

RAJIV NARAIN RAINA, J.(Oral)

C.M. No.3722 of 2016

C.M. is allowed. The date is advanced. The matter is taken
on Board.

CWP No.10376 of 2014

Heard the learned counsel.

Neither the Court nor Mr. Manuja for the State can see our
way to distinguish on principle the decision of this Court in **CWP
No.24472 of 2015, Constable Rajesh Kumar v. State of Punjab & anr.**,
decided on January 7, 2016 arising in the same department in the same
context and on the subject matter. The subject matter herein is not just
covered by the orders in *Constable Rajesh Kumar* case but also my short
order relied on by the petitioner in their favour and I would be failing in

my duty if I do not refer to the basic law which only follows the judgment of the Supreme Court resting lastly when review application filed by the State of Punjab was dismissed in Review Petition (C) No.2038 of 2013 in Special Leave Petition (C) No.23578 of 2012, titled State of Punjab and ors. v. Harbans Lal upholding the view of this Court in the appealed against the judgments of the learned single judge upheld in intra court appeal holding that daily wage/work charged/ad hoc service followed by regularization would qualify for pension and other terminal benefits in the background that pension is not available to those who were appointed to service after 1.1.2004. The final principle laid down is that work charged service followed by regular service was sufficient *katcha* service left behind the orders of regularization, even if the orders are passed after 1.1.2004 then the benefit of the old pension scheme would be attracted and relief would become available to the petitioners to switch them over from CPF to GPF scheme by clubbing the two types of service, the total period qualifying for pension as of old scheme. The prescription is met in this case for grant of relief claimed.

Consequently, this petition is allowed in terms of the decision in Harbans Lal's case (supra).

**(RAJIV NARAIN RAINA)
JUDGE**

**30.3.2016
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