

213 (2)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 12.8.2016

CWP No. 10795 of 2014 (O/M)

Himmat Singh and others

..... Petitioner (s)

Versus

State of Punjab and others

..... Respondent (s)

CWP No. 2540 of 2015 (O/M)

Sh. Gurmeet Singh and another

..... Petitioner (s)

Versus

State of Punjab and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Neeraj Sharma, Advocate, for the petitioners
in CWP No. 10795 of 2014.

None for the petitioners in CWP No. 2540 of 2015.

Mr. Rupam Aggarwal, Deputy A.G. Punjab.

Mr. Sumit Gupta, Advocate, for respondent No. 4
in CWP No. 10795 of 2014.

Mr. Pranav Chandha, Advocate, for respondent No. 3
in CWP No. 2540 of 2015.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

-.-

-.-

CWP No. 10795 of 2014 (O/M) and connected case

KULDIP SINGH J. (ORAL)

By this common order, I shall dispose of abovementioned two writ petitions. In both the cases, the petitioners were working with the Irrigation Department, Punjab, and have since retired. Their plea is that their work charge service should be counted as qualifying service for the grant of pension under the old pension scheme.

The reply in the writ petition shows that in CWP No. 2371 of 2010, titled as Harbans Lal Versus State of Punjab, the issue has been finally decided by this Court on 31.8.2010. The Special Leave Petition (C) filed against the said judgment has been disposed of by the Apex Court. In the reply, it has been stated that Review Petition No. 2038 of 2013 in SLP (C) No. 23578 of 2012, titled as State of Punjab and others Versus Harbans Lal, has been filed, which has now been dismissed and copy of the same has been placed on file.

In the second writ petition (CWP No. 2540 of 2015), a stand has been taken that the provisional pension has been released to the said petitioners. However, no such order has been passed qua the petitioners in CWP No. 10795 of 2014.

I am of the view that since it has been finally decided that the work charge period be counted for the grant of pensionary benefits, the present cases are squarely covered by the authority of this Court in Harbans Lal's case (supra). Accordingly, both the writ petitions are allowed. The State is directed to count the work charge period of the petitioners for grant of pensionary benefits to them under the old pension scheme. The provisional pension granted to the petitioners in CWP No. 2540 of 2015 shall deem to be regular pension under the old pension scheme. The

CWP No. 10795 of 2014 (O/M) and connected case

necessary orders be passed within three months from the date of receipt of copy of this order.

The learned counsel for BBMB states that the leave encashment has already been paid.

(KULDIP SINGH)
JUDGE

12.8.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No