

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

Date of decision: 15.03.2016

CWP No.21578 of 2012 (O&M)

Bua Singh & others

...Petitioners

Vs.

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Arihant Goyal, Advocate, for the petitioners.

Mr. Nikhil K. Chopra, DAG, Punjab, for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

Both the counsel are *ad idem* that this case is covered on all fours by the decision of the Supreme Court in SLP(C) No.23578 of 2012 titled 'State of Punjab & others Vs. Harbans Lal' decided on 4th November, 2015, placed at Annex P-9 which decision affirms the view of this court appealed against.

It may be recorded that the petitioners were appointed to service in the years 1988, 1989 & 1995 respectively. They would thus be entitled to the benefit of their ad hoc services toward pension by antedating their orders of regularization passed in 2006 to take them before 1st January, 2004 to bring them to the old Pension scheme. The prayer is restricted to pension alone and has nothing to do with seniority.

Accordingly, the petition is allowed since the matter is no longer *res integra* covered by binding precedent culminating in the Supreme Court. A direction is issued to the respondents to pass a fresh order of regularization taking it back to a date prior to 1st January, 2004. Let the exercise be done and completed by the respondents within six weeks from the date of receipt of the

certified copy of this order and the monetary benefits accruing be made available to the petitioners within the next eight weeks and thereafter pension be re-fixed accordingly and paid regularly to them. The actual monetary benefits will however be restricted to three years prior from the date when the petitioners approached the Court for the first time in 2010 in which directions were issued to the respondents to decide the representation(s) submitted by the petitioners for redressing their legitimate grouse.

15.03.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE