

113-C

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

**Civil Writ Petition No. 16054 of 2016 (O&M)  
Date of Decision: 28.09.2016**

Harbans Kaur

..... Petitioner

**Versus**

State of Punjab and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Narinder S. Lucky, Advocate  
for the petitioner.

Mr. Vaibhav Sharma, Deputy Advocate General, Punjab  
for the respondents/State.

\*\*\*\*

**JASWANT SINGH, J. (ORAL)**

Petitioner-Harbans Kaur was appointed as a Clerk on 89 days basis/contract basis in the office of Director, Technical Education and Industrial Training, Punjab, Chandigarh, vide appointment letter dated 20.02.1996 and her contract period was extended from time to time. Her services as Clerk were regularized vide order dated 05.02.2004 (**Annexure P-3**) in terms of the then existing regularization policy dated 26.05.2003.

The grievance of the petitioner is that by ignoring her previous service, she is being treated as an employee under the New Pension Scheme applicable w.e.f. 01.01.2004 instead of the Old Pension Scheme.

It is claimed that in the light of authoritative judgment rendered by this Court on the issue in case bearing Civil Writ Petition (CWP) No. 2371 of 2010, titled Harbans Lal Versus The State of Punjab and Others, decided on 31.08.2010, the petitioner is entitled to be covered under the Old Pension Scheme.

Upon notice, a reply by way of affidavit dated 26.09.2016 of Shri Mohanbir Singh, Additional Director, Department of Technical Education and Industrial Training, Punjab, has been filed. It is conceded that the petitioner is entitled to be covered under the Old Pension Scheme, and accordingly, a General Provident Fund Account Number has been allotted to the petitioner from the date of regularization of her services. Thus, it is submitted that the present petition has become infructuous.

In the light of the stand of the respondents in their written statement, learned counsel for the petitioner concedes that the present petition has become infructuous.

Accordingly, the instant writ petition stands dismissed as infructuous.

**September 28, 2016**  
*'dk kamra'*

**( JASWANT SINGH )**  
**JUDGE**

|                           |     |
|---------------------------|-----|
| Whether Speaking/reasoned | Yes |
| Whether Reportable        | No  |