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

**Civil Writ Petition No. 16055 of 2016 (O&M)
Date of Decision: 28.09.2016**

Satish Kumar

..... 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-Satish Kumar was appointed as a Peon on 89 days basis/contract basis in the office of Director, Technical Education and Industrial Training, Punjab, Chandigarh, vide appointment letter dated 19.01.1996 and his contract period was extended from time to time. His services as Clerk were regularized vide order dated 14.07.2004 (**Annexure P-3**) in terms of the then existing regularization policy dated 26.05.2003.

The grievance of the petitioner is that by ignoring his previous service, he 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 his 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
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(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes
Whether Reportable	No