113-F

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 16057 of 2016 (O&M)
Date of Decision: 28.09.2016

Kanwaljeet Singh

..... 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.

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JASWANT SINGH, J. (ORAL)

Petitioner-Kanwaljeet Singh was appointed as a Clerk on 89 days basis/contract basis at Industrial Training Institute, Phillaur under the control of Director Technical Education, Department, Punjab vide appointment letter dated 04.03.1996 and his contract period was extended from time to time. His services as Clerk were regularized vide order dated 06.07.2004 **(Annexure P-2)** 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

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Pension Scheme.

Upon notice, a reply by way of affidavit dated 27.09.2016 of Shri Harpal Singh, Deputy 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 **(JASWANT SINGH)**
'dk kamra' **JUDGE**

Whether Speaking/reasoned	Yes
Whether Reportable	No

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