

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.25149 of 2012

Date of decision: 5.1.2016

Water Supply and Sanitation Mustrol Employees Union and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Aman Chaudhary, Advocate for the petitioners.

Mr. L.S.Virk, Addl. Advocate General, Punjab
for the respondents.

G.S.SANDHAWALIA, J. (Oral)

The petitioner union apart from petitioners no.2 to 4 seek consideration and grant of benefits to its members who are 1346 in numbers and details of service have been appended in Annexure P/1.

The claim has been made in the legal notice dated 1.9.2012 (Annexure P/7) on the basis of Division Bench judgment of this Court in **Civil Writ Petition No.2371 of 2010 titled Harbans Lal Vs. State of Punjab and others** decided on 31.8.2010. The SLP against the said judgment has been dismissed on 30.7.2012(Annexure P/6) and now the Review Petition (C) No.2038 of 2013 has also been dismissed on 4.11.2015. Photo copy of the order dated 4.11.2015 has been placed on record. Office to tag the same at appropriate place in the file.

The members of the petitioner union along with others seek benefit of counting of their service rendered on daily wage basis from the date they were appointed on daily wage for the purpose of G.P.Fund and pension scheme and the said period may be treated as qualifying service for all intents and purposes on the ground that they were governed under

the old pension rules being in service prior to 1.1.2004.

It is the case of the petitioners that in view of the orders passed by the Division Bench in **Harbans Lal's case** (supra) various other similarly situated employees have been granted benefit by passing speaking orders in pursuance of the direction issued by this Court. Reference is made to the said orders dated 19.9.2012 and 1.11.2012 (Annexures P/11 and P/13 respectively).

The State did not deny that the petitioners are entitled to the relief granted to other similarly situated persons but has placed reliance upon the review application which was to be filed in the Apex Court in the said SLP which was dismissed on 30.7.2012. The case was also adjourned on various dates in view of the pendency of the review application.

Now in view of the review application having been dismissed vide order dated 4.11.2015, counsel for the State is not in a position to deny that the petitioners' case would require consideration in the same terms.

Accordingly, the present writ petition is disposed of with a direction to respondent no.3 to take into consideration the said legal notice dated 1.9.2012 (Annexure P/7) and decide the same in terms of the judgment of this Court in **Harbans Lal's case** (supra) within a period of three months from the date of receipt of a certified copy of this order. In case any adverse order is to be passed then a reasoned order be passed by the said respondent and conveyed to the petitioners.

The present writ petition is disposed off with the aforesaid directions.

January 05, 2016
Pka

(G.S.SANDHAWALIA)
Judge

TRADEEP KUMAR ARORA
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I attest to the accuracy and integrity
of this document
Punjab and Haryana High Court,
Chandigarh