

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

**CWP No.24472 of 2015
Date of decision: 7.1.2016**

Constable Rajesh Kumar & ors. ... Petitioners

Versus

State of Punjab & anr. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. DS Patwalia, Sr. Advocate, with
Mr. Sahaj Vir Singh, Advocate,
for the petitioners.

Mr. Harkesh Manuja, Addl.A.G., Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

Mr. Manuja, appearing for the State on instructions from the department, makes statement that this matter indeed is covered by the ratio of the decision of the Supreme Court rendered in **State of Punjab v. Harbans Lal**, which order rejects the review application preferred by the State of Punjab from the decision in the special leave petition delivered on July 30, 2012 which in turn affirms the view of this Court on the right of daily wage/work-charged/ad hoc employees for counting pre-regularization service towards period qualifying for pension and other benefits even though they were regularized after 1.1.2004 when the old pension scheme was disbanded to make place for the New Defined Contributory Pension Scheme for fresh employees of the State

Government recruited after 1.1.2004. This Court has even subsequently reiterated and applied the principle in the rulings, the texts of which have been placed on record at Annexures P-3, P-4 and P-5 [vide judgments dated 31.8.2010, 14.7.2014 and 10.10.2014 respectively].

As a result, no further orders are required to be passed in this petition since the case is covered on all fours by the aforesaid decisions; except to hold that the pension cases of the petitioners will be governed by the verdict delivered on July 30, 2012 in *Harbans Lal's case* and the order passed in review application by counting the entire period of previous service and the benefits thus accruing would be granted to the petitioners accordingly without any unreasonable delay except to account for the period required to accommodate the time which may be spent in completing the necessary formalities in each and every case. With this, the petition stands allowed and is disposed of in the above terms.

(RAJIV NARAIN RAINA)
JUDGE

7.1.2016
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