

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**1. Civil Writ Petition No.25897 of 2014
Date of decision: 3.2.2016**

Ram Dyal

...Petitioner

Versus

State of Punjab and others

...Respondents

2. Civil Writ Petition No.23151 of 2014(O&M)

Santokh Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present: Mr. H.K.Brinda, Advocate for the petitioner(s)

Mr. Pankaj Mulwani, Deputy Advocate General, Punjab.

G.S.SANDHAWALIA, J. (Oral)

This order shall dispose of Civil Writ Petitions No.25897 and 23151 of 2014 as common question of facts and law are involved in both these petitions. However, for dictating this order, the facts have been taken from CWP No.25897 of 2014.

The petitioner seeks quashing of order dated 11.8.2014 (Annexure P/2) passed by respondent no.4 whereby the petitioner's case for pension was closed on account of the fact that his services were regularized after 1.1.2004. Therefore, he was held to be entitled only to the contributory pension under the Contributory Pension Scheme as per letter dated 23.2.2012 of the State Government.

The defence of the State is that the petitioner's services were regularized on 3.5.2012 after 1.1.2004 and he retired on 30.4.2014, therefore, he was not entitled to pension under the pension rules enforced

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before 1.1.2004. It is, however, not denied that the petitioner was initially appointed on 1.3.1987.

The petitioner has placed reliance upon the judgment in **Civil Writ Petition No.2371 of 2010-Harbans Lal Vs. State of Punjab and others** decided on 31.8.2010 whereby a Division Bench of this Court had directed that the initial appointment after regularization would be the date on which the employee takes charge of the post and once the entire service of daily wages is to be counted as qualifying service then his date of appointment will be relegated back to his initial date of appointment and the cut off date of 1.1.2004 would not be applicable.

The defence of the State was that matter was pending before the Apex Court. It is not disputed that the said issue has already been finally decided by the Apex Court in favour of the employees and even the review application has been dismissed.

Accordingly, the present writ petition is allowed. The impugned order is quashed. Respondents are directed to consider the cases of the petitioners afresh keeping in view the judgment passed in **Harbans Lal's case** (supra).

Let the needful be done within three months from the date of receipt of a certified copy of this order.

Photo copy of this order be placed on the record of each connected case file.

February 03, 2016
Pka

(G.S.SANDHAWALIA)
Judge