

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

CWP No.24409 of 2016

Date of Decision:-28.11.2016

Harbhajan Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Madhav Pokhrel, Advocate for Petitioners.

JASWANT SINGH, J.(ORAL)

The 07 petitioners, namely, Harbhajan Singh, Harinder Singh, Sunil Kumar, Ashok Kumar, Ram Parkash, Ravinder Singh and Jaspal Singh were recommended in February, 2002 for appointment to the post of Multipurpose Health Worker on regular basis, however, they were offered appointment on contractual basis, leading to litigation, which came to an end on a decision rendered by Hon'ble Division Bench of this Court on 18.01.2005 (Annexure P-2) in CWP No.13927 of 2003 titled as 'Satnam Singh and others Vs. State of Punjab and others'. The SLP filed by the State was withdrawn, vide order dated 19.11.2007 (Annexure P-3) and the appointment orders on regular basis were issued in the year 2007.

In the interim period, the Govt. of Punjab had introduced a New Defined Contributory Pension Scheme called as CPF in the year 2004, replacing the earlier pension scheme. The petitioners, who were issued

appointment letters in 2007, were denied the benefit of the old pension scheme.

Learned Counsel for the petitioners submits that the issue with regard to the applicability of the old pension scheme stands already adjudicated by a decision of this Court on 06.05.2011 (Annexure P-6), as also upheld by the LPA Bench, vide judgment dated 08.11.2012 (Annexure P-7). He further submits that his clients would be satisfied if a direction is issued to the authorities concerned to decide their Legal Notice dated 02.08.2016 (Annexure P-5) in the light of the judgments at P-6 and P-7.

The prayer is reasonable and is liable to be accepted without calling upon the other side.

Accordingly, the present writ petition is disposed of with a direction to the competent authority to decide the claim of the petitioners, as set out in the Legal Notice dated 02.08.2016 (Annexure P-5), as also in the present writ petition keeping in view the judgments at P-6 and P-7 within a period of six months from the date of receipt of copy of the writ petition along with certified copy of this order.

Needless to say if the relief is to be denied, the order shall contain reasons denying the relief to the petitioner.

Disposed of in the above terms.

(JASWANT SINGH)
JUDGE

November 28, 2016
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No