

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

**Civil Writ Petition No. 4799 of 2015 (O&M)
Date of Decision: 28.09.2016**

Surjit Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. H.K. Brinda, Advocate
for the petitioners.

Mr. Vaibhav Sharma, Deputy Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (ORAL)

Surjit Singh, Gajjan Singh, Ranjit Singh S/o Ram Sharan, Jagjit Singh, Teja Singh, Nirmal Singh, Rajinder Pal, Gurmeet Singh, Ranjit Singh S/o Kashmir Singh and Jagtar Singh (petitioners No. 1 to 4, 6 to 8 and 10 to 12, respectively) are working on Class-IV posts (as Mali-cum-Chowkidars, Helpers etc.) whereas Iqbal Singh and Ujagar Singh (petitioners No. 5 & 9, respectively) are working on Class-III post(s) as Pump Operators with the office of Executive Engineer, Water Supply and Sanitation Division, Fatehgarh Sahib, and their services were regularized in terms of regularization policy dated 15.12.2006 (**Annexure P-2**) in view of their previous service(s) on daily wage basis/work charge basis since year 1987 onwards.

The petitioners have prayed, by way of writ of certiorari, quashing the order dated 23.05.2011 (**Annexure P-3**) to the extent that New Pension Scheme w.e.f. 01.01.2004 has been made applicable to them.

It is claimed that in the light of their (petitioners) previous long periods of engagement, they have to be considered as employees under the Old Pension Scheme prior to 01.01.2004 as authoritatively held in similar cases by a decision of Division Bench, passed in Civil Writ Petition (CWP) No. 2371 of 2010, titled Harbans Lal Versus The State of Punjab and Others, decided on 31.08.2010.

Upon notice, reply on behalf of the respondents/State has been filed. It is conceded that the matter is covered by the *Harbans Lal's case (supra)*, and necessary relief has already been released to the petitioners. Para No. 3 of the reply reads as under:-

“That in this case, the main prayer of the petitioners is that General Provident Fund Numbers be allotted to them in place of Permanent Pension Account Number. The claim of the petitioners has been accepted by the competent authority and policy has also been framed by the Govt. of Punjab, Department of Finance. In this regard, it is also submitted that vide orders dated 30.08.2016 passed by the Superintending Engineer, Water Supply & Sanitation Circle, Sangrur have been allotted the General Provident Fund Numbers to the Class-IV employees i.e. petitioner Nos. 1 to 4, 6 to 8 and 10 to 12. Moreover, the allotment of General Provident Fund Numbers of Class-III employees i.e. petitioner Nos. 5 and 9 is under process at the level of the Superintending Engineer, Water Supply & Sanitation Circle, Ludhiana. As the claim of the petitioners has already been accepted by the Govt., hence, the present petition is liable to be dismissed as become infructuous. Copies of the above orders/letters dated 30.08.2016 are filed herewith as Annexures R-1 and R-2.”

Learned State Counsel submits that as regards the claim of the petitioners No. 5 & 9 (Iqbal Singh and Ujaggar Singh, respectively), the

same is under process and shall be redressed at the earliest.

In view of the stand of the respondents/State, learned counsel for the petitioners learned counsel for the petitioners concedes that the present petition has become infructuous.

Accordingly, the present petition stands dismissed as infructuous.

September 28, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes
Whether Reportable	No