

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

**Civil Writ Petition No.5160 of 2016**

**Date of decision: 17.3.2016**

Sukhdev Singh and another

**...Petitioners**

**Versus**

State of Punjab and others

**...Respondents**

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

Present: Mr. Gagneshwar Walia, Advocate for the petitioners.

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**G.S.SANDHAWALIA, J. (Oral)**

The petitioners seek counting of entire daily wage/contingent paid service rendered before regularization as qualifying service for the purposes of pensionary/retiral benefits.

It is case of the petitioners that they are entitled to receive pensionary benefits as per the old GPF scheme which was applicable to the employees recruited in the Punjab Government prior to 1.1.2004. The said benefit is sought on the ground that the Division Bench of this Court in **Civil Writ Petition No.2371 of 2010-Harbans Lal Vs. State of Punjab** decided on 30.7.2012 (Annexure P/5) has settled the position on the said issue whereby the work charge/daily wage service is to be treated as qualifying service for the purposes of pension and the employee will be treated to be in Government service from that date. It is contended that SLP has been dismissed against the said judgment and review petition has also been dismissed on 4.11.2015.

It is contended that petitioner no.1 was appointed on 30.10.1995 whereas petitioner no.2 was appointed on 2.11.1995 as Sewadars. Their regularization order was passed on 23.12.2011 (Annexure P/2) in which the clauses were put that they would be

governed by the New Structured Contributory Pension Scheme and the benefit of their past service notionally were not to be granted.

It is further pointed out that in similar circumstances vide order dated 20.11.2015 (Annexure P/8), respondent no.4 has deleted the offending clauses in the case of Mr. Baldev Singh and Mr. Jaskaran Singh, Drivers in the Fire Brigade who had filed **Civil Writ Petition No.3250 of 2014** in which similar directions had been issued on 14.7.2014 (Annexure P/7).

Counsel for the petitioners submits that the petitioners have sent a representation dated 20.12.2015 (Annexure P/10) and he would be satisfied if a direction is issued to the respondent no.2 to decide the said representation within some fixed time frame.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents no. 1 to 3. Requisite Copies of the writ petition have been supplied to him in Court.

Keeping in view the limited relief sought by the petitioners, this Court is of the opinion that there is no requirement of calling for any reply on behalf of the respondents.

Accordingly, without commenting on the merits of the case this writ petition is disposed of with a direction to respondent no. 2 to decide the representation dated 20.12.2015 (Annexure P/10) within a period of 3 months from the date of receipt of certified copy of the order. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioners.

**March 17, 2016**  
**Pka**

**(G.S.SANDHAWALIA)**  
**Judge**