

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

CWP No. 7624 of 2016
Date of decision: 05.05.2016

Dalbir Singh and others

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. S.K. Arora, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the benefit of continuation with the general provident fund scheme and to receive the pensionary benefits as applicable to the employees recruited in the Punjab Government service prior to 01.01.2004. Reliance has been placed upon the judgment of the Division Bench in *CWP No. 2371 of 2010, Harbans Lal vs. State of Punjab and others* (Annexure P-6) for purposes of counting her daily wage service rendered by the petitioners followed by the regular service for the purpose of qualifying service for pension and other retiral benefits.

Counsel, at the outset, submits that legal notice dated 15.11.2015 (Annexure P-14) has already been served upon the respondents for the necessary relief. He further submits that he would be satisfied if a decision is taken on the said legal notice within a time bound frame. The dates of appointment of the petitioners on daily wage basis and the date of regularization have been mentioned as under:-

<i>Sr. No.</i>	<i>Name of the petitioner</i>	<i>Date of Appointment on daily wage basis</i>	<i>Date of Regularization</i>
1	Dalbir Singh	01/12/91	16.6.2006
2	Jaspal Singh	01/06/91	24.5.2011
3	Tarlochan Singh	01/03/93	26.5.2011

He accordingly submits that in view of the dismissal of the SLP against the judgment of the Division Bench and thereafter of the review petition, the petitioners are entitled for consideration as per the judgment of the Division Bench in *Harbans Lal's case (supra)*.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Copy of the writ petition has been supplied to him.

Keeping in view the limited controversy, this Court is of the opinion that the reply need not be called for.

Accordingly, without commenting on the merits of the case or the entitlement of the petitioner, the present writ petition is disposed of with a direction to respondent no. 3 to look into the demand raised as per legal notice dated 15.11.2015 (Annexure P-14). The same be decided within a period of 2 months from the date of receipt of certified copy of the order. Needless to say if an adverse order is to be passed, the same shall contain reasons and be conveyed to the petitioners.

05.05.2016
shivani

(G.S. SANDHAWALIA)
JUDGE