

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

**CWP No.17826 of 2011 (O&M)
Date of Decision : 23rd February, 2017**

Krishan Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Harish Bhardwaj, Advocate
for the petitioner.

Mr. Ravi Partap, AAG, Haryana,
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

By this petition, the petitioner has challenged the action of the respondents in considering him to be an appointee after 01.01.2006 and thereby treating him as a beneficiary of the new contributory pension scheme.

The primary ground raised by the petitioner is that persons lower than him in the merit list, who were also issued appointment letter after 01.01.2006, had filed CWP No.4199 of 2010/CWP No.1814 of 2010 and in that case the State had granted the benefits to them.

On merits, the case of the petitioner is that he was selected in the year 2004 but the appointment letter never reached him and it was only on his representation that fresh appointment letter was issued and, therefore, he cannot be treated to have been appointed after 02.01.2012.

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In the reply, the averment regarding the persons who were lower than the petitioner in the merit has not been denied. The petitioner has annexed a copy of the decision in CWP No.4199 of 2010/CWP No.1814 of 2010 and also information received by him through the RTI informing that all the benefits have since been released to those persons.

In these circumstances, the writ petition is allowed. The respondents are directed to consider the petitioner to have been appointed before 01.01.2006. The petitioner is directed to refund the entire amount of the employer share within a period of two months from today. The respondents are directed to consider the petitioner an appointee prior to 01.01.2006 and give him all consequential benefits.

23rd February, 2017

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No