

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

CIVIL WRIT PETITION NO.10275 OF 2017
DATE OF DECISION: MAY 15, 2017

Kulbir Singh and others

.....Petitioners

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Bhavnik Mehta, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners, who are now working as Constables, have approached this Court, praying for issuance of a writ of mandamus, directing the respondents to count their daily wage service rendered by them as Special Police Officers prior to 01.01.2004 i.e. the cut of date vide which the New Contributory Pension Scheme has come into force, entitling them to the benefit of the General Provident Fund Scheme in the light of the judgment passed by this Court in Civil Writ Petition No.24472 of 2015 (Constable Rajesh Kumar and others Vs. State of Punjab and another) decided on 07.01.2016 and R.A. No.143 of 2016 in Civil Writ Petition No.24472 of 2015 decided on 09.05.2016 (Annexures P-12 and P-13 respectively), wherein the services of similarly placed employees i.e. the Special Police Officers, who had been appointed prior to 01.01.2004, have been regularized as Constables and subsequent thereto they have been

granted the benefit as claimed by the petitioners. Claiming the said benefit, the petitioners have submitted representation to the Director General of Police, Punjab and the Additional Director General of Punjab, Jalandhar Cantt. on 24.03.2017 (Annexure P-16), which remains undecided despite the fact that the order passed in Constable Rajesh Kumar's case (supra) stands duly complied with by the respondents on 20/21.12.2016 (Annexure P-17). Counsel for the petitioners prays for liberty to file representations to the Senior Superintendent of Police of the concerned Districts where the petitioners are at present working as Constables, which he states will be submitted within two weeks. He, therefore, prays that the present writ petition may be disposed of with directions to the Director General of Police, Punjab and the Additional Director General of Police (PAP), Jalandhar-respondent Nos.2 and 3 respectively, to consider and decide the representation dated 24.03.2017 (Annexure P-16) and also to the concerned Senior Superintendent of Police where the petitioners are at present working as Constables within some specified time.

In view of the above, the present petition is disposed of with directions to the Director General of Police, Punjab and the Additional Director General of Police (PAP), Jalandhar-respondent Nos.2 and 3 respectively, to consider and decide the representation dated 24.03.2017 (Annexure P-16) as moved by the petitioners and to the concerned Senior Superintendents of Police to consider and decide the representation of the petitioners to be submitted by them on or before expiry of three months' time from the date of representation being submitted by the petitioners to the concerned Senior Superintendents of Police. The decision so taken be conveyed to the petitioners.

In case the claim is to be denied to the petitioners, a well reasoned and speaking order be passed and if their claim is accepted, the consequential benefits be granted to them forthwith.

May 15, 2017
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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