

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
117**

CWP No. 10385 of 2017

Date of decision: 16.05.2017

Rajinder Parshad and others

...PETITIONERS

VS.

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Narinder K. Banka, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court with a grievance that they were initially appointed on the post of Junior Assistant/Clerk in the Department of Technical Education and Industrial Training, Punjab on ad-hoc basis. They continued as such and their services were regularized on various dates but subsequent to 01.01.2004. As a result thereof, the petitioners are being treated as employees who are covered under the New Contributory Pension Scheme, 2006. Counsel contends that in the light of the Division Bench judgment passed by this Court in CWP No. 2371 of 2010 titled as Harbans Lal vs. The State of Punjab and others decided on 31.08.2010 (Annexure P-4) to be considered under the General Provident Fund Scheme. He contends that the SLP preferred by the State as also the review petition before the Hon'ble Supreme Court stands finally decided against the State entitling the petitioners to the benefit of the said judgment.

Petitioners, claiming this relief, have submitted their representations dated 04.05.2016 (Annexure P-3A Colly) to The Director, Technical Education and Industrial Training, Punjab-respondent No. 2, which has, till date, not been decided.

Counsel for the petitioners submits that the petitioners, at this stage, would be satisfied if a direction is issued to The Director, Technical Education and Industrial Training, Punjab-respondent No. 2 to consider and decide the representations dated 04.05.2016 (Annexure P-3A Colly) within some specified time.

In the light of the submissions made by the counsel for the petitioners and without going into the merits of the case or commenting thereon, the present petition is disposed of with a direction to The Director, Technical Education and Industrial Training, Punjab-respondent No. 2 to consider and decide the representations dated 04.05.2016 (Annexure P-3A Colly) within a period of three months from the date of submission of copy of this order.

In case the claim of the petitioners is not to be accepted, a well-reasoned speaking order be passed and conveyed to them forthwith.

May 16, 2017
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No