

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

**C.M. No. 16687 of 2016 in
CWP-26720-2013 (O&M)**

Date of decision: 24.01.2017

Balwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jasbir Singh, Advocate,
for the applicant-petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

The instant application has been moved for disposal of the case in the light of the judgment rendered in ***CWP No. 24472 of 2015*** titled as ***Constable Rajesh Kumar and others vs. State of Punjab and another***, decided on 07.01.2016.

The petitioner herein was initially appointed as Special Police Officer (SPO) on 09.11.1992 and was allowed SPO No. 193/Mansa. Subsequently, he was selected and elevated as Constable No. 710 PAP Seventh Battalion in the year 2002. The petitioner herein is claiming the benefit of past service rendered as SPO towards grant of pension and other benefits.

It is contended that similarly situated employees who were selected in the year 2002 along with the petitioner have already been given

benefit of past service rendered by them as SPO for the purposes of retiral benefits. It is also argued that the case of the petitioner is squarely covered by judgment rendered in **CWP No. 24472 of 2015** titled as **Constable Rajesh Kumar and others vs. State of Punjab and another**, decided on 07.01.2016.

Learned counsel appearing on behalf of the respondents-State is not able to distinguish the case of the petitioner with the judgment relied upon.

Having heard learned counsel for both the parties, the instant writ petition is disposed of with the direction to respondent No.2 to consider the case of the petitioner along with the ratio of the judgment passed in **Rajesh Kumar's** case (supra) and take necessary action in accordance with law within a period of three months from the date of receipt of certified copy of this order.

In case, the petitioner is found to be entitled to the necessary relief as sought for and in case the judgment rendered in **Rajesh Kumar's** case (supra) is applicable to the petitioner, the necessary benefit be granted to him within a period of three months thereafter. In case, the petitioner is not found to be entitled, then a speaking order be passed in that regard and the petitioner is at liberty to challenge the said orders.

With the above directions, the writ petition is accordingly disposed of.

24.01.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.