

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

**(1) Civil Writ Petition No.24688 of 2016**

Manjit Singh and others

..... Petitioners

*Versus*

State of Punjab and others

..... Respondents

**(2) Civil Writ Petition No.663 of 2017**

Malkit Singh and others

..... Petitioners

*Versus*

State of Punjab and others

..... Respondents

**Date of Decision: 19.01.2017**

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Bhavnik Mehta, Advocate for the petitioner(s).

Mr. Harkesh Manuja, Additional Advocate General, Punjab  
for the respondents/State.

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**JASWANT SINGH, J. (Oral)**

This common order shall dispose of the aforementioned two writ petitions as the facts involved therein are similar in nature.

The 25 petitioners in CWP No.24688 of 2016 and 79 petitioners in CWP No.663 of 2017 were engaged as Special Police Officers by the Police Department, Punjab and subsequently, on their passing the suitability test, were enrolled/enlisted as Constables at the time of recruitment from the source of Special Police Officers. All of them have been enrolled as Constables after 01.01.2004, therefore, they are sought to be governed under the New Restructured Defined Contributory Pension Scheme introduced for the appointees with the Punjab Government after 01.01.2004. Their prayer is for a direction that they have to be governed

under the Old Pension Scheme applicable to the appointees prior to 01.01.2004 by counting their previous periods of engagement with the Punjab Government.

It is contended that the issue is squarely covered by the decision of a Division Bench of this Court rendered in **Harbans Lal Vs. The State of Punjab and others, reported as 2012 (3) S.C.T. 362**, which has attained finality.

It is further contended that the ratio of Harbans Lal's case (supra) has also been extended to the similarly situated Special Police Officers by a coordinate Bench of this Court rendered in **CWP No.24472 of 2015** titled as **Constable Rajesh Kumar and others Vs. State of Punjab and another**, vide order dated 07.01.2016 (**Annexure P-12**), as even the review filed against the said order (**P-12**) was dismissed vide order dated 09.05.2016 (**Annexure P-13**).

Upon notice, State has put in appearance through Sh. Harkesh Manuja, Additional Advocate General, Punjab. He does not dispute the aforesaid factual position, coupled with the facts of the present case that the matter is squarely covered by the decision rendered in Harbans Lal's case (supra), as also order dated 07.01.2016 (**P-12**).

In view of the aforesaid circumstances, the present writ petitions are disposed of in the same terms as in CWP No.24472 of 2015 (**P-12**).

January 19, 2017  
Gagan

(JASWANT SINGH)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |