

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

**CWP-25640-2016 (O&M)
Date of decision:26.10.2017**

Tarsem Lal

... Petitioner

Vs.

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. S.D. Sharma, Sr. Advocate with
Mr. Ved Priya Malik, Advocate for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

The uncontroverted factual position is that the petitioner was appointed on daily wage basis as a peon on 03.10.1994 under the Fish Farmers Development Agency, Department of Fisheries, State of Punjab. His services were regularized w.e.f. 30.03.2007.

A New Pension Scheme was initiated by the Punjab Government w.e.f. 01.01.2004 and in terms of which the benefit of General Provident Fund was to be given to such employees, who were recruited in Punjab Government service w.e.f. 01.01.2004 or subsequently and no pension which was applicable to such employees, who were recruited in service after 01.01.2004.

The issue came to be decided before a Division Bench of this Court in **Harbans Lal Vs. State of Punjab & others (CWP No.2371 of 2010)** decided on 31.08.2010 (Annexure P-3) with regard to counting of

daily wage service towards qualifying service for pensionary benefits and by virtue of doing so, the petitioner therein, be permitted to continue with the GPF Scheme and entitled to receive pensionary benefits as applicable to the employees recruited in the Punjab Government service prior to 01.01.2004. Such claim was allowed in Harbans Lal's case (supra).

The instant petition raises a prayer for issuance of a writ of mandamus to direct the respondents to give the benefit of Old Pension Scheme which was applicable to the employees recruited prior to 01.01.2004 and accordingly, the GPF number be allotted to them. In other words, the petitioner seeks counting of his daily wage service prior to regularization and thereby to be treated as recruited prior to 01.01.2004.

In the considered view of this Court, the claim raised in the instant petition is squarely covered by the Division Bench judgment in Harbans Lal's case (supra).

Writ petition is allowed in terms of judgment dated 31.08.2010 passed in CWP No.2371 of 2010 (Annexure P-3).

26.10.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

(i) Whether speaking/reasoned?	Yes
(ii) Whether Reportable?	No