

Sr. No.109

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.24711 of 2017 (O&M)
Date of Decision:01.11.2017

Raj Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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

Present:- Mr. Hemender Goswami, Advocate,
for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

As per pleadings on record, the petitioners who are 5 in number were initially appointed on contract/daily wage basis on the post of Clerks under the Local Government Department in the year 1999. Services of the petitioners were regularized vide order dated 01.07.2011.

Prior to 01.01.2004 the Punjab Government employees as well as employees working under Municipal Corporation/Municipal Councils/Nagar Panchayats and Improvement Trust were covered under the General Provident Fund Scheme. Such employees were entitled to pensionary benefits in accordance with the Punjab Municipal Employees Pension and General Provident Fund Rules, 1994. With effect from 01.01.2004 the Restructured Defined Pension and Contribution Scheme was introduced for new entrants in Punjab Government Service, vide instructions dated 12.12.2006 issued by the Department of Finance. The State of Punjab, Department of Local Government vide memo dated 24.04.2011 (Annexure P-5) decided that the New Restructured Defined Contribution Pension Scheme would be applicable on the employees of the Local bodies appointed on or after 01.01.2004.

The instant writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to permit the petitioners to continue with the General Provident Fund Scheme and petitioners be also held entitled to receive pensionary benefits as applicable to the employees

recruited in service prior to 01.01.2004.

Arguments raised by counsel in a nutshell is that even though services of the petitioners have been regularized in the year 2011 but such benefit was in pursuance to their initial appointment on contract/daily wage basis rendered prior to 01.01.2004 and as such the petitioners cannot be treated fresh entrants into Government service post 01.01.2004.

Counsel further contends that the claim raised in the instant petition would be covered in terms of a Division Bench Judgment rendered by this Court in ***CWP No.2371 of 2010 (Harbans Lal Vs. State of Punjab and others) decided on 31.08.2010*** (Annexure P-7). Further contended that Division Bench Judgment in Harbans Lal's case stands affirmed by the Supreme Court.

In view of the above and without ascertaining the correctness of the averments made in the petition, I deem it appropriate to dispose of the writ petition with a direction to respondent No.2 i.e. Director, Local Government Department, State of Punjab to examine the claim of the petitioners in the light of a legal notice dated 19.05.2017 (Annexure P-12) that is stated to have already been served and to take a decision thereupon expeditiously and in any case within a period of 03 months from the date of receipt of a certified copy of this order.

Disposed of.

01.11.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No