

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

**CWP-26470-2017 (O&M)
Date of decision: 20.11.2017**

Constable Krishan Kumar & others

... Petitioners

Vs.

State of Punjab & another

... Respondents

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

Present: Ms. Surinderdeep Kaur, Advocate for
Mr. Rajeev K. Kapila, Advocate for the petitioners.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of aforementioned writ petitions as the facts involved are similar in nature and the relief sought is also identical.

The petitioners in these bunch of petitions were engaged as Special Police Officers by the Police Department, State of Punjab and subsequently on their qualifying the suitability test were enrolled as Constables from the source of Special Police Officers. All of them have been enrolled as Constables after 1.1.2004. On such basis they are sought to be governed under the New Restructured Defined Contributory Pension Scheme introduced for the appointees with the Punjab Govt. after 1.1.2004. The prayer is for a direction that the petitioners in these connected petitions be governed under the Old Pension Scheme applicable to the appointees prior to 1.1.2004 by counting their previous period of engagement with the Punjab Govt.

Counsel appearing for the petitioners in these petitions contend that the issue is squarely covered by a Division Bench judgement of this

Court rendered in ***Harbans Lal Vs. The State of Punjab and others, 2012 (3) S.C.T 362*** and which has attained finality.

It is further contended that the ratio of ***Harbans Lal's*** case (supra) has already been extended to the similarly situated Special Police Officers by a Coordinate Bench of this Court in ***CWP No.24472 of 2015 (Constable Rajesh Kumar and others Vs. State of Punjab and another)*** vide order dated 7.1.2016. Even the review application preferred against the order dated 7.1.2016 has been dismissed vide order dated 9.5.2016.

It has also been conceded that in the case of petitioners in ***CWP No.24472 of 2015 (Constable Rajesh Kumar and others Vs. State of Punjab & another)*** the judgment already stands implemented.

Mr. Avinit Avasthi, learned AAG, Punjab, who had been furnished a copy of the writ petition fairly concede to the fact that the petitioners in the instant petition are on parity with the petitioners in ***Constable Rajesh Kumar's case (supra)***.

In view of such uncontroverted facts and circumstances, the instant writ petition is disposed of in the same terms as in CWP-24472-2015.

20.11.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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