

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

**CWP-26758-2017 (O&M)
Date of decision:24.11.2017**

Shiv Kumar & others

... Petitioners

Vs.

State of Punjab & others

... Respondents

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

Present: Mr. S.S. Sudan, Advocate for the petitioners.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

As per pleadings on record, petitioners herein are either working or have retired from the post of Beldars/Drivers under the Punjab Forest Department. Petitioner No.69 is the widow of Kamal Chand S/o Sh. Tarsem Singh and who otherwise was identically situated as the other petitioners.

The petitioners were initially engaged on daily wage basis and their services were subsequently regularized on different dates between the years 2011-15. The tabulation placed on record at Annexure P-1 reflects the completed years of service as on 31.12.2006 as also the dates of regularization of each of the petitioners. Such tabulation clearly reflects that all the petitioners including husband of petitioner No.14 had been engaged on daily wage basis prior to 01.01.2004 and regularized subsequently.

The precise grievance raised in the instant petition is that the State Government have foisted upon the petitioners the New Restructured Defined Contributory Pension Scheme which was otherwise applicable to employees who were appointed/recruited post 01.01.2004.

Counsel argues that the petitioners' past service rendered on daily wage basis prior to regularization cannot be ignored and the petitioners have to be construed as appointees prior to 01.01.2004. It is urged that the petitioners, as such, would be covered under the General Provident Fund Scheme (GPF Scheme) and would be entitled to pensionary benefits as admissible prior to enforcement of the New Restructured Defined Contributory Pension Scheme. It is further argued that the claim of the petitioners herein would be covered in terms of Division Bench judgment rendered by this Court in **CWP-2371-2010 (Harbans Lal Vs. State of Punjab & others)** decided on 31.08.2010 (Annexure P-5).

In view of the above and without even ascertaining the correctness of the averments made in the petition, I deem it appropriate to dispose of the instant petition with a direction to respondents No.1 and 2 to examine the claim of the petitioners and to take a final decision on the legal notice dated 01.12.2016 (Annexure P-8) i.e. stated to have already been served. A final decision be taken and conveyed to the petitioners expeditiously and in any case, within a period of two months from the date of receipt of a certified copy of this order.

Disposed of.

24.11.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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