

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.27045 of 2017(O&M)
Date of Decision: 07.12.2017

Constable Gurwinder Singh & others

--Petitioners

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. Puneet Kumar Sharma, Advocate for the petitioners.

Mr. Avinit Avasthi, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

Notice of motion.

On the asking of the Court, Mr. Avinit Avasthi, learned A.A.G., Punjab accepts notice on behalf of respondents-State. A complete copy of the writ paper book has been furnished to learned State counsel.

With the consent of learned counsel for the parties, the writ petition is taken up for disposal today itself.

Brief factual matrix is that the petitioners were engaged as Special Police Officials by the Police Department, State of Punjab and subsequently, on their qualifying suitability test were enrolled as Constables from the source of Special Police Officials. The details in respect of all the petitioners as regards their initial date of joining as SPOs as also the dates of regularization as Constables have been furnished in a tabulation in para 8 of the writ petition.

In the tabulation furnished in para 8 of the writ petition two changes are being incorporated as per submissions advanced by learned State counsel. The date of joining of petitioner no.2 Satnam Singh as S.P.O

would be read as 3.2.1993 instead of 1.12.1992. Even the number of S.P.O reflected as 316/Majitha would now be read as 526/Majitha. Likewise, the date of joining of petitioner no.4 Satpal Singh would be read as 27.8.1994 instead of 12.8.1994.

After incorporating such corrections it would be clear that the petitioners having joined as S.P.Os prior to 1.1.2004 were enrolled as Constables w.e.f the dates subsequent thereto. It is on such basis that they are sought to be governed under the New Restructured Defined Contributory Pension Scheme introduced for the appointees of the Punjab Govt. after 1.1.2004.

Prayer is for a direction that the petitioners be governed under the Old Pension Scheme applicable to the appointees prior to 01.01.2004 by counting their previous period of engagement with the Punjab Government.

Counsel for the parties are *ad idem* that the claim raised in the present petition would be covered in terms of judgement rendered by this Court in ***CWP No.24472 of 2015 (Constable Rajesh Kumar and others Vs. State of Punjab and another)*** decided on 07.01.2016.

It has also gone uncontroverted that this Court on 17.07.2017 had disposed of a bunch of 32 petitions i.e. ***CWP No.864 of 2017 (Constable Balwinder Singh & others Vs. State of Punjab & others)*** and other connected petitions in terms of judgement rendered in ***Constable Rajesh Kumar's*** case (supra).

In the light of such consensus, the instant petition is also disposed of in terms of order dated 17.7.2017 passed by this Court in CWP No.864 of 2017 and other connected petitions.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.12.2017

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No