

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

Date of decision:03.03.2017

Constable Subhash Chander and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Manjit Singh Sarao,Advocate for the petitiones

Jaswant Singh,J.

3 (three) petitioners herein were engaged as Special Police Officers by the Police Department, Punjab and subsequently, on their passing the suitability test, were enrolled/enlisted as Constables at the time of recruitment from the source of Special Police Officers. All of them have been enrolled as Constables after 01.01.2004, therefore, they are sought to be governed under the New Restructured Defined Contributory Pension Scheme introduced for the appointees with the Punjab Government after 01.01.2004. Their prayer is for a direction that they have to be governed under the Old Pension Scheme applicable to the appointees prior to 01.01.2004 by counting their previous periods of engagement with the Punjab Government.

It is contended that the issue is squarely covered by the decision of a Division Bench of this Court rendered in **Harbans Lal Vs.**

The State of Punjab and others, reported as **2012 (3) S.C.T. 362**, which

has attained finality.

It is further contended that the ratio of Harbans Lal's case (supra) has also been extended to the similarly situated Special Police Officers by a coordinate Bench of this Court rendered in **CWP No.24472 of 2015** titled as **Constable Rajesh Kumar and others Vs. State of Punjab and another**, vide order dated 07.01.2016 (Annexure **P-5**), as even the review filed against the said order was dismissed vide order dated 09.05.2016 (Annexure **P-6**).

Notice of motion.

On the asking of the Court, Mr. Harkesh Manuja, Additional Advocate General, Punjab who is present in Court accepts notice and does not dispute the aforesaid factual position, coupled with the facts of the present case that the matter is squarely covered by the decision rendered in Harbans Lal's case (supra), as also order dated 07.01.2016 (**P-5**).

In view of the aforesaid circumstances, the present writ petition is disposed of in the same terms as in CWP No.24472 of 2015 decided on 07.01.2016 (**P-5**).

03.03.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No