

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

CWP No. 4277 of 2017

Date of decision: 03.03.2017

Balwinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Saajan Singla, Advocate, for
Mr. Manu K. Bhandari, Advocate,
for the petitioners.

JAISHREE THAKUR, J. (ORAL)

The 70 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 in early 1990's. 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. State of Punjab and others, CWP No. 2371 of 2010***, 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 (P-5) was dismissed vide order dated 09.05.2016 (Annexure P-6).

Notice of motion.

On the asking of the Court, R.S. Sidhu, learned AAG, Punjab, who is present in the Court, accepts notice.

In view of the aforesaid circumstances, the writ petition is being disposed of by giving a direction to the respondents-State to consider the claim of the petitioners herein in the light of the judgment rendered in **CWP No.24472 of 2015** decided on 07.01.2016 (P-5) titled as **Constable Rajesh Kumar and others Vs. State of Punjab and another**, and in case the petitioners herein are covered by the aforesaid judgment, the necessary relief be granted to them within a period of three months thereafter. However, in case the petitioners are not entitled to the relief as claimed a speaking order be passed in that regard, which the petitioners will be at liberty to challenge in accordance with law.

03.03.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.