

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

**Civil Writ Petition No.762 of 2017
Date of Decision: 19.01.2017**

Ajay Kumar and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Harbans Lal Sharma, Advocate for the petitioners.

Mr. Harkesh Manuja, Additional Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (Oral)

The Sixty Eight (68) petitioners 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 **CWP No.2371 of 2010** titled as '**Harbans Lal Vs. The State of Punjab and others, reported as 2012 (3) S.C.T. 362 (Annexure P-7)**', 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, as even the review filed against the order dated 07.01.2016 was dismissed vide order dated 09.05.2016.

Notice of motion.

On the asking of the Court, Sh. Harkesh Manuja, Additional Advocate General, Punjab accepts notice on behalf of the respondents. He 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.

In view of the aforesaid circumstances, the present writ petition is disposed of in the same terms as in CWP No.24472 of 2015.

January 19, 2017

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(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>