

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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| 1. CWP No.864 of 2017 (O&M)
Constable Balwinder Singh & others
Versus
State of Punjab and others | Date of Decision: 17.07.2017
--Petitioners

--Respondents |
| 2. CWP No.24619 of 2016 (O&M)
Constable Jarnail Singh & others
Versus
State of Punjab and another | --Petitioners

--Respondents |
| 3. CWP No.26196 of 2016 (O&M)
Sr. Constable Chamkaur Singh & others
Versus
State of Punjab and another | --Petitioners

--Respondents |
| 4. CWP No.26960 of 2016 (O&M)
Sr. Constable Jinder Pal Sharma & others
Versus
State of Punjab and another | --Petitioners

--Respondents |
| 5. CWP No.370 of 2017 (O&M)
Gulwinder Singh & others
Versus
State of Punjab and others | --Petitioners

--Respondents |
| 6. CWP No.791 of 2017 (O&M)
Ramesh Kumar & others
Versus
State of Punjab and others | --Petitioners

--Respondents |
| 7. CWP No.795 of 2017 (O&M)
Gopal Dass & others
Versus
State of Punjab and others | --Petitioners

--Respondents |
| 8. CWP No.835 of 2017 (O&M)
Balwinder Singh & others
Versus
State of Punjab and others | --Petitioners

--Respondents |

CWP No.864 of 2017 (O&M) & other connected petitions -2-

9. CWP No.916 of 2017 (O&M)

Constable Hardeep Singh & others --Petitioners

Versus

State of Punjab and others --Respondents

10. CWP No.918 of 2017 (O&M)

Sahib Singh & others --Petitioners

Versus

State of Punjab and others --Respondents

11. CWP No.1249 of 2017 (O&M)

Sakatar Singh & others --Petitioners

Versus

State of Punjab and others --Respondents

12. CWP No.1367 of 2017 (O&M)

Constable Amarjit Singh & others --Petitioners

Versus

State of Punjab and others --Respondents

13. CWP No.2323 of 2017 (O&M)

Constable Krishan Lal & others --Petitioners

Versus

State of Punjab and others --Respondents

14. CWP No.2716 of 2017 (O&M)

Ct. Varinder Kumar & others --Petitioners

Versus

State of Punjab and others --Respondents

15. CWP No.2728 of 2017 (O&M)

S/Ct. Balwinder Singh & others --Petitioners

Versus

State of Punjab and others --Respondents

16. CWP No.3395 of 2017 (O&M)

Constable Madan Lal& others --Petitioners

Versus

State of Punjab and others --Respondents

CWP No.864 of 2017 (O&M) & other connected petitions -3-

17. CWP No.3452 of 2017 (O&M)
Constable Amarjeet Singh & others --Petitioners
Versus
State of Punjab and another --Respondents
18. CWP No.3459 of 2017 (O&M)
Constable Jatinder Singh & others --Petitioners
Versus
State of Punjab and another --Respondents
19. CWP No.3463 of 2017 (O&M)
Constable Ravinder Kumar & others --Petitioners
Versus
State of Punjab and another --Respondents
20. CWP No.3469 of 2017 (O&M)
Constable Satnam Singh & others --Petitioners
Versus
State of Punjab and another --Respondents
21. CWP No.3505 of 2017 (O&M)
Constable Pawan Kumar & others --Petitioners
Versus
State of Punjab and another --Respondents
22. CWP No.3508 of 2017 (O&M)
Constable Dilbag Singh & others --Petitioners
Versus
State of Punjab and another --Respondents
23. CWP No.4168 of 2017 (O&M)
Constable Karam Singh & others --Petitioners
Versus
State of Punjab and others --Respondents
24. CWP No.4186 of 2017 (O&M)
Constable Baljinder Kumar & others --Petitioners
Versus
State of Punjab and another --Respondents

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25. CWP No.4216 of 2017 (O&M)
Constable Balvir Singh & others --Petitioners
Versus
State of Punjab and another --Respondents
26. CWP No.5200 of 2017 (O&M)
Constable Hardeep Singh & others --Petitioners
Versus
State of Punjab and another --Respondents
27. CWP No.5234 of 2017 (O&M)
Constable Amanpreet Singh & others --Petitioners
Versus
State of Punjab and another --Respondents
28. CWP No.5650 of 2017 (O&M)
Gurjinder Singh & others --Petitioners
Versus
State of Punjab and others --Respondents
29. CWP No.5995 of 2017 (O&M)
Constable Sukhmander Singh & others --Petitioners
Versus
State of Punjab and another --Respondents
30. CWP No.6171 of 2017 (O&M)
Constable Harpal Singh & others --Petitioners
Versus
State of Punjab and another --Respondents
31. CWP No.10447 of 2017 (O&M)
Constable Sarabjit Singh & others --Petitioners
Versus
State of Punjab and another --Respondents
32. CWP No.10461 of 2017 (O&M)
Constable Rajesh Kumar & others --Petitioners
Versus
State of Punjab and another --Respondents

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

Present:- Ms. Surinderdeep Kaur, Advocate, for
Mr. R.K. Kapila, Advocate,
for the petitioners in CWP Nos. 24619, 26196 & 26960 of 2016

Mr. Baljeet Singh Sidhu, Advocate for
the petitioners in CWP Nos. 864, 2323, 3395, 3452, 3459,
3463, 3469, 3505, 3508, 4186, 4216, 5200, 5234, 5995, 6171,
10447 & 10461 of 2017

Mr. Gagneshwar Walia, Advocate,
for the petitioners in CWP Nos. 1367 & 4168 of 2017

Mr. J.S. Mohri, Advocate,
for the petitioners in CWP Nos. 370, 835, 918, 1249,
791 & 795 of 2017

Mr. Narinder S. Lucky, Advocate,
for the petitioners in CWP Nos. 916, 2716 and 2728 of 2017

Mr. Shalender Mohan, Advocate,
for the petitioners in CWP No. 5650 of 2017

Mr. Harsimran Singh Sethi, Addl. A.G., Punjab with
Mr. Avinit Avasthi & Mr. Sukhbir Singh, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of aforementioned writ petitions as the facts involved are similar in nature and the relief sought is also identical.

The petitioners in these bunch of petitions were engaged as Special Police Officers by the Police Department, State of Punjab and subsequently on their qualifying the suitability test were enrolled as Constables from the source of Special Police Officers. All of them have been enrolled as Constables after 1.1.2004. On such basis they are sought to be governed under the New Restructured Defined Contributory Pension Scheme introduced for the appointees with the Punjab Govt. after 1.1.2004.

The prayer is for a direction that the petitioners in these connected petitions

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be governed under the Old Pension Scheme applicable to the appointees prior to 1.1.2004 by counting their previous period of engagement with the Punjab Govt.

Counsel appearing for the petitioners in these petitions contend that the issue is squarely covered by a Division Bench judgement of this Court rendered in *Harbans Lal Vs. The State of Punjab and others, 2012 (3) S.C.T 362* and which has attained finality.

It is further contended that the ratio of *Harbans Lal's* case (supra) has already been extended to the similarly situated Special Police Officers by a Coordinate Bench of this Court in *CWP No.24472 of 2015 (Constable Rajesh Kumar and others Vs. State of Punjab and another)* vide order dated 7.1.2016. Even the review application preferred against the order dated 7.1.2016 has been dismissed vide order dated 9.5.2016.

In the short affidavit filed of Dy.S.P., 80th Battalion, P.A.P., Jalandhar today in Court in CWP No.864 of 2017, it has been conceded that in the case of petitioners in *CWP No.24472 of 2015 (Constable Rajesh Kumar and others Vs. State of Punjab and another)* the judgement already stands implemented.

Mr. Harsimran Singh Sethi, learned Additional A.G., Punjab, who is on instructions from Sh. Sukhwant Singh Gill, A.I.G Personnel-I, C.P.O, o/o D.G.P., Punjab concedes to the fact that the petitioners in these bunch of petitions are on complete parity with the petitioners in *CWP No.24472 of 2015 (Constable Rajesh Kumar and others Vs. State of Punjab and another)*.

In view of such uncontroverted facts and circumstances, the present bunch of petitions are disposed of in the same terms as in *CWP No.24472 of 2015 (Constable Rajesh Kumar and others Vs. State of Punjab and another)*.

(TEJINDER SINGH DHINDSA)
JUDGE

17.07.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No