

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

CWP No.12469 of 2018

Date of Decision:-25.05.2018

Jit Bahadur & Ors.

.....Petitioners.

Versus

The State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Jasbir Singh Mohri, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Fourteen petitioners herein were engaged as Class-IV employees (Cook/Gardener/Sweeper/Water Carrier) on Daily Wage basis between 1986 to 1996 by the Punjab Police. They were absorbed as Constables between 2006 to 2012, therefore, they are sought to be governed under the new restructured defined Contributory Pension Scheme introduced for the appointees after 01.01.2004. The prayer of the petitioners is for a direction that they be governed under the old pension scheme applicable to the appointees prior to 01.01.2004 by counting their previous periods of engagements with the Punjab Armed Police.

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 & Ors.** 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 Co-ordinate Bench of this Court rendered in **CWP No.24472 of 2015** titled as **Constable Rajesh Kumar & Ors. Vs. State of Punjab & Anr. (P-4)**, vide order dated 07.01.2016, as even the review filed against the said order was dismissed vide order dated 09.05.2016.

Notice of motion.

On the asking of the Bench, Mrs. Lavanya Paul, Assistant Advocate General, Punjab accepts notice and on instructions from HC Davinder Singh No.345/FGS, SSP Office Fatehgarh Sahib qua petitioner nos.1 to 8 & 10 & 11, HC Balvir Singh No.260/BNL, SSP Office, Barnala qua petitioner no.9 and ASI Sukhdev Singh, SAS Nagar, SSP Office, SAS Nagar concedes that the case of the petitioners is squarely covered by the ratio of **Harbans Lal's case (supra)** as also order dated 07.01.2016 and after counting of their previous total periods of engagement, they are to be considered as appointees prior to 01.01.2004 and, therefore, governed under the old pension scheme.

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.

(JASWANT SINGH)
JUDGE

May 25, 2018
Vinay

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