

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.127

Civil Writ Petition No.16619 of 2018
DECIDED ON: July 11, 2018

KASHMIR SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Baljeet Singh Sidhu, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of Mandamus directing the respondents to count the daily wage service of the petitioner rendered before regularization as qualifying service for the purpose of pensionary/retiral benefits and petitioner be entitled to old General Provident Fund Scheme, which was applicable to the employees recruited in Punjab Govt. service prior to 01.01.2004 in view of the law laid down by this Court in CWP No.2371 of 2010 captioned as *Harbans Lal vs. State of Punjab & ors.* decided on 31.08.2010 (P-6) WITH FURTHER prayer that the new restructured defined contribution pension scheme dated 02.03.2004 (P-4) would not apply to the case of the petitioner as well as to treat the petitioner to be governed by

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GPT scheme and receive pensionary benefits as are available to employees recruited in the Punjab Govt. service prior to 01.01.2004.

2. Learned counsel for the petitioner contends that though representation dated 18.05.2017 (P-12) was made to respondent No.2 but till date neither any reply has been received nor any final decision has been taken. He further submits that petitioner feels satisfied in case a direction is issued to respondent No.2 to decide the aforesaid representation (P-12), within some stipulated period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No.2 – Director General of Police, Punjab, Punjab Police Head Quarter, Sector 9, Chandigarh, to consider the grievances unfolded by the petitioner in the representation dated 18.05.2017 (P-12) and to take a conscious decision by passing a speaking order, within a period of three months from the date of receipt of a certified copy of this order.

4. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to have recourse to the remedies available under law as well as to approach this Court.

July 11, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**