

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

CWP 19948/2018

Date of decision:22.11.2018

Ajay Kumar and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- None for the petitioners
Mrs.Anu Chatrath Kapur,Addl.AG Punjab for official
respondents.

Jaswant Singh,J,(Oral).

Petitioners claim to have been engaged as SPOs on daily wage basis on different dates from from the period commencing 1989 to 1995. Subsequently they were absorbed as Constables in the Punjab Police on different dates from the period commencing 2004 to 2011, as detailed in para 8 of the writ petition. Their claim is for counting their previous period of engagement towards qualifying service and by treating them as appointee prior to 1.1.2004 and thus entitled to benefits of old pension scheme.

Upon notice, a reply by way of affidavit dated 10.9.2018 stands filed. It is conceded that except Constable Satnam Singh (petitioner no.13) for lack of correct particulars; Constable Harpreet Singh (petitioner no.26) and Head Constable Kulwinder Singh (petitioner no.27) the case of rest of the petitioners is covered by the decision of **Harbans Lal v State of Punjab and others, 2012(3)SCT 362**, as claimed.

It is claimed that Harpreet Singh and Kulwinder Singh while

serving as Punjab Home Guard volunteers were enlisted as Constables as special cases after grant of requisite relaxation vide orders dated 11.10.2010 and 13.4.2011(Annexures R1 and R2) and thus their cases are distinguishable. As regards Constable Satnam Singh the correct particulars are not available.

None has appeared to controvert the aforesaid factual position.

In view of the above, present petition is allowed except qua petitioner nos. 13,26 and 27, in terms of **Harbans Lal's** case supra.

22.11.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No