

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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CWP No.19960 of 2018 (O & M)
Date of Decision: September 18, 2018

Manjit Singh

.....PETITIONER(s).

VERSUS

State of Punjab and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ranjivan Singh, Advocate
for the petitioner.

Mrs. Anju Sharma Kaushik, DAG, Punjab
for respondents No.1, 2 and 4.

Mr. Vishal Khatri, Advocate for
Mr. Vipul Jindal, Advocate
for the contesting respondents No.3 and 5-
Punjabi University, Patiala.

JASWANT SINGH, J. (ORAL)

The petitioner was engaged as Mate on 01.11.2001 on daily wage basis; further appointed on work charge basis as Junior Engineer Project (Civil) on 14.05.2006 and also further appointed on ad hoc basis on 01.04.2012 by the Punjabi University, Patiala, before regularizing his services from the year 2014 on the post(s) held by him as stated, are before this Court.

The challenge primarily is directed against the decision dated 30.12.2014 (**Annexure P-3**), taken by the Syndicate of the Punjabi University, Patiala, whereby the petitioner having held to be fresh appointee, having been regularized on the post after 09.07.2012 and, therefore, not entitled to be covered under the Old Pension Scheme, applicable to the employees of the University.

It is contended that on the ratio of the judgment, passed by a Division Bench of this Court rendered in '*Harbans Lal versus State of Punjab and others*,' decided on 31.08.2010 in CWP No.2371 of 2010 (Annexure P-8), the petitioner having been appointed prior to 09.07.2012 on work charge basis/*ad hoc* basis is held to be entitled to be covered under the Old Pension Scheme applicable to the employees of the University rather than the New Pension Scheme made applicable w.e.f. 09.07.2012.

Upon notice, counsel for respondents No.3 and 5/Punjabi University, Patiala submits that the University is ready and willing to consider the claim of the petitioner in view of the settled law in '*Harbans Lal's* case (*supra*). In case, the relief of the petitioner is not liable to be granted, a speaking order containing reasons shall be passed.

In response, learned counsel for the petitioner concedes that his client is satisfied if his case is considered within a time bound manner.

In view of the stand of the Punjabi University, Patiala, the present writ petition is disposed of, with a **direction** to the Registrar of the University to consider the case of the petitioner within 12 weeks from today and if held entitled to the relief, allot him/revive GPF number. In case, the petitioner is not entitled, then a speaking order containing detailed reasons shall be passed, failing which, authority of the University shall be liable to be hauled up in contempt proceedings.

Disposed of.

(JASWANT SINGH)
JUDGE

September 18, 2018
A.Kaundal

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No