

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.125

Civil Writ Petition No.20195 of 2018
DECIDED ON: August 14, 2018

RAI SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jasbir Singh Mohri, 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 his daily wage service rendered before regularization as qualifying service for the purpose of pensionary/retiral benefits along with interest @ 18% p.a., as per the old General Provident Fund Scheme which was applicable to the employees recruited in Punjab Govt. prior to 01.01.2004 in view of law laid down by this Court in CWP No.2371 of 2010 captioned as ***Harbans Lal vs. State of Punjab & ors.*** and other judgment dated 31.08.2010 (P-5) WITH FURTHER directing the respondents to new restructured defined contribution pension scheme dated 02.03.2004 (P-3) and instructions dated 12.12.2006 related to new Contributory Pension Scheme (P-4) would not apply to the case of the petitioner and to treat him to be governed by GPF

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scheme and receive pensionary benefits as are available to employees recruited in the Punjab Govt. Service prior to 01.01.2004 AND to grant pension to the petitioner in view of the order passed by this Court in CWP No.10444 of 2017, captioned as ***Constable Ajit Kumar & ors. vs. State of Punjab & ors.*** (P-8) decided on 19.05.2017.

2. At the very outset, learned counsel for the petitioner submits that he feels satisfied in case a direction is issued to respondent No.2 to decide the representation dated 23.12.2017 (P-10), within some specified 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 Police Head Quarter, Sector 9, Chandigarh to consider the grievances unfolded by the petitioner in the representation dated 23.12.2017 (P-10) and to take 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 approach this Court.

August 14, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**