

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

CWP No.20574 of 2018

Date of Decision:-26.11.2018

Constable Jaspal Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Gagneshwar Walia, Advocate for the Petitioners.

Mrs. Anu Chatrath Kapoor, Additional Advocate General,
Punjab.

JASWANT SINGH, J.(ORAL)

Three Petitioners, namely, Jaspal Singh, Jasbir Singh and Ravinderjit Singh were engaged as Special Police Officer on Daily Wage basis on different dates between 1990 to 1993 and their services were regularized as '*Constables*' on different dates between 2004 and 2010, 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 period of engagement with the Punjab 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. 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-3)** vide order dated 07.01.2016, as even the review filed against the said order was dismissed vide order dated 09.05.2016.

At the time of hearing Mrs. Anu Chatrath Kapoor, Additional Advocate, General, Punjab on instructions from ASI Rajinder Pal & ASI Amarjit Singh states 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 passed in *Constable Rajesh Kumar & Ors. case (supra)* and after counting of their previous total period 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

November 26, 2018
Vinay

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