

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

CWP No.20587 of 2018

Date of Decision:-29.10.2018

Pirithi Chand & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Jasbir Singh Mohri, Advocate for the Petitioners.

Mrs. Sudeepti Sharma, Additional Advocate General, Punjab.

JASWANT SINGH, J.(ORAL)

Petitioners herein were engaged as Special Police Officer (SPO) i.e. Class-IV employee on Daily Wage basis during the years 1985 to 2000 by the Punjab Police. They were absorbed as Constables in the years 2009 to 2017, 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 periods of engagement with the Punjab Armed 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-7)** vide order dated 07.01.2016, as even the review filed against the said order was dismissed vide order dated 09.05.2016.

Upon notice, learned State Counsel has filed separate replies on behalf of the respondents i.e. reply by way of affidavit of Mr. Sareen Kumar, PPS, Assistant Inspector General of Police, PAP-II, Jalandhar Cantt. on behalf of respondent nos.1 to 3 and other by way of affidavit of Mr. Bahadur Singh, PPS Deputy Superintendent of Police (HQ), District Sangrur on behalf of respondent no.4 and on instructions from HC Mohd. Irfan, office of SSP, Sagnrur, Sham Lal Clerk office of ADGP, PAP and ASI Balvir Singh from the office of SSP, Barnala concedes 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 periods 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

October 29, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>