

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

CWP No.21335 of 2018

Date of Decision:-21.11.2018

Constable Sukhwinder Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Manjit Singh Sarao, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner, namely, Sukhwinder Singh was engaged as Special Police Officer on Daily Wage basis on 20.11.1992 and his services were regularized as '*Constable*' on 27.07.2004, therefore, he is sought to be governed under the new restructured defined Contributory Pension Scheme introduced for the appointees after 01.01.2004. The prayer of the petitioner is for a direction that he be governed under the old pension scheme applicable to the appointees prior to 01.01.2004 by counting his 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

as **Constable Rajesh Kumar & Ors. Vs. State of Punjab & Anr.(P-4)**
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 has filed reply by way of affidavit of Ms. Alka
Meena, IPS, SSP Fatehgarh Sahib on behalf of respondent nos.1 to 3
wherein it is stated that the case of the petitioner 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 his
previous total period of engagement, he is to be considered as appointee
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 21, 2018
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>