

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

CWP No.26496 of 2018

Date of Decision:-14.11.2018

Dilbag Ali & Anr.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

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

JASWANT SINGH, J.(ORAL)

Petitioners, namely, *Dilbag Ali & Tarsem Singh* were engaged as Class-IV employees on Daily Wage basis on 10.12.1994 & 24.08.1996, respectively, by the Department of Punjab Police, and their services were regularized as '*Water Carrier*' on 29.09.2011, 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.

At the time of hearing Mr. Navdeep Chhabra, Deputy Advocate, General, Punjab has filed reply by way of affidavit of Mr. Bahadur Singh, PPS, Deputy Superintendent of Police (HQ), District Sangrur on behalf of respondent nos.1 to 3 wherein it is stated 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

November 14, 2018

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