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

**CM No.11956-CWP-2018 in/and
CWP No.29024 of 2017 (O&M)**

Date of Decision: 13.08.2018

RAJMANI MISHRA AND OTHERS

..... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present : Mr. Ranjivan Singh, Advocate for the petitioners.

Mrs. Anju Sharma Kaushik, DAG, Punjab
for respondent Nos.1, 2 & 4/*State*.

Mr. Vishal Khatri, Advocate for
Mr. Vipul Jindal, Advocate
for respondent Nos.3 & 5/*Punjabi University, Patiala*.

JASWANT SINGH, J. (ORAL)

The 41 petitioners engaged on various Class-III/IV posts like Clerks/Junior Scale Stenographers / Lab Attendants / Cleaners / System Analysts etc. on work charge basis/*ad hoc* basis during the year 2001 to July, 2012 by the Punjabi University, Patiala, before regularizing their services from the year 2012 onwards on the posts held by them as stated, are before this Court.

The challenge primarily is directed against the decision dated 30.12.2014 (**Annexure P-4**), taken by the Syndicate of the Punjabi University, Patiala, whereby the petitioners having held to be fresh appointees, having been regularized on the posts after 09.07.2012 and, therefore, not entitled to be covered under the Old Pension Scheme, applicable to the employees of the University.

It is contended that on the ratio of the judgment, passed by a Division Bench of this Court rendered in '**Harbans Lal versus State of Punjab and others**,' decided on 31.08.2010 in CWP No.2371 of 2010 (**Annexure P-14**), the petitioners having been appointed prior to 09.07.2012 on work charge basis/*ad hoc* basis are held to be entitled to be covered under the Old Pension Scheme applicable to the employees of the University rather than the New Pension Scheme made applicable w.e.f. 09.07.2012.

Upon notice, counsel for the Punjabi University submits that the University is ready and willing to consider the individual claim of the petitioners in view of the settled law in '**Harbans Lal's** case (*supra*). In case, their relief is not liable to be granted, a speaking order containing reasons shall be passed in each of the case.

In response, learned counsel for the petitioners concedes that his clients are satisfied if their cases are considered within a time bound manner.

In view of the stand of the Punjabi University, Patiala, the present writ petition is disposed of, with a **direction** to the Registrar of the University to consider the cases of the petitioners within 12 weeks from today and if held entitled to the relief, allot them/revive GPF numbers. In case, the petitioners are not entitled, then a speaking order containing detailed reasons shall be

passed, failing which he shall be liable to be hauled up in contempt proceedings.

Disposed of.

August 13, 2018
'rajneesh'

(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No