

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

**Civil Writ Petition No.29080 of 2017 (O&M)
Date of Decision: 23.01.2018**

Chhinder Pal Kaur and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mrs. Lavanya Paul, Assistant Advocate General, Punjab
for the respondents.

JASWANT SINGH, J. (Oral)

The 31 petitioners herein are the widows of the Constables, who were died during their service tenures. They were engaged as Special Police Officers on daily wage basis during 1992 to 1995 by the Police Department, Punjab and subsequently, on their passing the suitability test, they were enrolled/enlisted as Constables during 2004 to 2010 at the time of recruitment from the source of Special Police Officers. All of them have been enrolled as Constables after 01.01.2004, therefore, they are sought to be governed under the New Restructured Defined Contributory Pension Scheme introduced for the appointees with the Punjab Government after 01.01.2004. Their prayer is for a direction that their late husbands have to 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 Government.

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 and others', reported as **2012 (3) S.C.T. 362 (Annexure P-7)**, 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 coordinate Bench of this Court rendered in CWP No.24472 of 2015 titled as '**Constable Rajesh Kumar and others Vs. State of Punjab and another'**', vide order dated 07.01.2016, as even the review filed against the said order was dismissed vide order dated 09.05.2016.

It is further contended that the similarly situated widow of the Constable has been granted family pension w.e.f. date of death of her husband along with revised death-cum-retirement gratuity etc., by this Court in case **CWP No.11802 of 2008**, titled as "**Paramjit Kaur Versus The State of Punjab and others'**", decided on **11.05.2016 (Annexure P-5)**.

Mrs. Lavanya Paul, Assistant Advocate General, Punjab, who is present in Court, does not dispute the aforesaid factual position, coupled with the facts of the present case that the matter is squarely covered by the decisions rendered in Harbans Lal's case (supra) and Paramjit Kaur's case (supra), as also order dated 07.01.2016.

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 and CWP No.11802 of 2008, decided on 11.05.2016 (**P-5**).

January 23, 2018

Gagan

**(JASWANT SINGH)
JUDGE**

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