

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

CWP No.28322 of 2018

Date of Decision:-07.12.2018

Rachhpal Singh & Ors.

.....Petitioners.

Versus

The State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

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

Mrs. Anu Chatrath Kapoor, Additional Advocate General,
Punjab.

JASWANT SINGH, J.(ORAL)

Petitioners, Eleven (11) in number, were engaged as SPOs on daily wage basis on different dates between the years 1990 to 1996 by the Department of Police, Punjab. Their services were subsequently regularized as Constables on different dates during the years 2005-16 under the New 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 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 Co-ordinate Bench of this Court rendered in CWP No.24472 of 2015 titled as **Constable Rajesh Kumar & Ors. Vs. State of Punjab & Anr.** vide order dated 07.01.2016 (P-7), 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 states 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 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

December 07, 2018
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>