

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

**CWP No. 2854 of 2018 (O&M)
Date of Decision: 26.02.2018**

Rajinder Kumar and others

..... Petitioners

Versus

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

JASWANT SINGH, J. (ORAL)

The petitioners, fifty-one (51) in number, were engaged as **Special Police Officers** on Daily Wage Basis during **1990 to 1996** by the Police Department, Punjab and subsequently, on their passing the suitability test, they were enrolled/enlisted as Constables during **2004 to 2011** 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 they 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 Versus The State of Punjab and others**', reported as **2012 (3) S.C.T. 362**

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 Versus State of Punjab and another***', vide order dated 07.01.2016 (**Annexure P-12**), as even the review filed against the said order was dismissed vide order dated 09.05.2016 (**Annexure P-13**).

Notice of motion.

On the asking of Court, Mr. Manoj Bajaj, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondents/State.

Learned State Counsel, on instructions from Mr. Jaswinder Singh, Assistant Commandant, Superintendent of Police, 5th Commando Battalion, Bathinda, does not dispute the aforesaid factual position, coupled with the facts of the present case that the matter is squarely covered by the decision rendered in ***Harbans Lal's case (supra)***, as also order dated 07.01.2016 (**P-12**).

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 (**P-12**).

February 26, 2018

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**(JASWANT SINGH)
JUDGE**

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