

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

CWP No.29094 of 2018

Date of Decision:-13.12.2018

Ajmer Singh.

.....Petitioner.

Versus

The State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

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

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

JASWANT SINGH, J.(ORAL)

Petitioner, namely, Ajmer Singh was engaged as '*Class-IV*' Employee on daily wage basis on 01.04.1987 by the Department of Police, Punjab. His services were subsequently regularized as Constable on 16.06.2006 under the New Contributory Pension Scheme introduced for the appointees after 01.01.2004. The prayer of the petitioner is for a direction that he be governed under the old pension scheme applicable to the appointees prior to 01.01.2004 by counting his 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-4), as even the review filed against the said order was dismissed vide order dated 09.05.2016.

Upon notice Mrs. Anu Chatrath Kapoor, Additional Advocate, General, Punjab filed reply by way of affidavit of Mr. Bahadur Singh, PPS Deputy Superintendent of Police (HQ), District Sangrur on behalf of respondents nos.1 to 3 and in para no.3 of the affidavit it is stated that the case of the petitioner 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 13, 2018
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>