

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

**CWP No. 2931 of 2018 (O&M)
Date of Decision: 26.02.2018**

Sarbjit 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.

JASWANT SINGH, J. (ORAL)

Lakhwinder Kaur (petitioner No. 9) is the widow of late Sh. Jasvir Singh, who died on 14.01.2009, while being engaged as Special Police Officer on Daily Wage Basis since 02.11.1994 and could not be enrolled as regular Constable during his life-time.

At this stage, learned counsel for the petitioner wishes to withdraw the petition *qua* petitioner No. 9.

Petition stands dismissed as withdrawn *qua* petitioner No. 9.

The remaining fourteen (14) petitioners herein are the widows of the Constables, who died after they were enrolled/enlisted as Constables during the period w.e.f **2004 to 2013** at the time of recruitment from the source of **Special Police Officers (SPOs)**, as they had been working as SPOs on Daily Wage Basis since the period commencing w.e.f. **1992 to 1995** with the Punjab Police before their enrolment on passing the suitability test as Constables. All of them were 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 Versus 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 Versus State of Punjab and another***', vide order dated 07.01.2016 (**Annexure P-13 colly**), 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 with effect from the 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-8**).

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.

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)*, and *Paramjit Kaur's case (supra)*, as also order dated 07.01.2016 (P-13).

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-13) and *CWP No. 11802 of 2008*, decided on 11.05.2016 (P-8).

February 26, 2018
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(JASWANT SINGH)
JUDGE

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