

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

**CWP No. 4238 of 2018 (O&M)
Date of Decision: 26.02.2018**

Constable Narinder Pal Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Baljeet Singh Sidhu, Advocate
for the petitioner.

JASWANT SINGH, J. (ORAL)

Petitioner-Narinder Pal Singh was engaged as **Special Police Officer** on Daily Wage Basis on **18.03.1994** by the Police Department, Punjab and subsequently, on passing the suitability test, he was enrolled/enlisted as Constable on **18.05.2010** at the time of recruitment from the source of Special Police Officers. He has been enrolled as Constable after 01.01.2004, therefore, he is sought to be governed under the New Restructured Defined Contributory Pension Scheme introduced for the appointees with the Punjab Government after 01.01.2004. His prayer is for a direction that he has to 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 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-6)**, 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, as even the review filed against the said order was dismissed vide order dated 09.05.2016.

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.

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.

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>