

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

**Civil Writ Petition No.424 of 2018
Date of Decision: 12.01.2018**

Constable Bahadur Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Manjit Singh Sarao, Advocate for the petitioners.

JASWANT SINGH, J. (Oral)

The 3 petitioners herein were engaged as Special Police Officers on daily wage basis in the year 1992 by the Police Department, Punjab and subsequently, on their passing the suitability test, were enrolled/enlisted as Constables in March, 2004 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 Vs. The State of Punjab and others**', reported as **2012 (3) S.C.T. 362 (Annexure P-3)**, 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 Vs. State of Punjab and another'**, vide order dated 07.01.2016 (**Annexure P-4**), as even the review filed against the said order was dismissed vide order dated 09.05.2016.

Notice of motion.

Ms. Lavanya Paul, Assistant Advocate General, Punjab, assisted by Mr. Kamlesh. Chand, PPS, DSP, 13th Bn., PAP, Chandigarh, who is present in Court accepts notice and 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-4**).

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-4**).

January 12, 2018

Gagan

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No