

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

CWP No.5671 of 2018

Date of Decision:-15.03.2018

Gurmail Chand & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. H.K. Brinda, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

22 Petitioners herein were engaged as Beldars i.e. Class-IV employees on Daily Wage basis during the period prior to 2004 by the Forest Department, Punjab. The services of all of them have been regularized during the period 2011 to 2012, therefore, they are sought to be governed under the new restructured defined Contributory Pension Scheme introduced for the appointees after 01.01.2004. The prayer of the petitioners is for a direction that they 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 Forest Department of Punjab.

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.

Upon notice Mrs. Lavanya Paul, Assistant Advocate General, Punjab who is present in Court assisted by Mr. D.V. Ratna Kumar, IFS, Chief Conservator of Forests concedes that the actual periods of engagement of the petitioners have to be counted and after said counting if their total period of engagement falls prior to 01.01.2004, they would be covered with the ratio of Harbans Lal's case (supra).

In view of the aforesaid circumstances, the present writ petition is disposed of in the same terms.

(JASWANT SINGH)
JUDGE

March 15, 2018
Vinay

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