

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

CWP No.5938 of 2018

Date of Decision:-17.04.2018

Constable Dalwinder Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Baljeet Singh Sidhu, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner herein was engaged as Special Police Officer (SPO) i.e. Class-IV employee on Daily Wage basis during the year 1992 by the Punjab Police. He was absorbed as Constables in the year 2010, therefore, he is sought to be governed under the new restructured defined 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 periods of engagement with the Punjab Armed 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

as Constable Rajesh Kumar & Ors. Vs. State of Punjab & Anr., 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 the Court, Mr. Manoj Bajaj, Additional Advocate General, Punjab who is present in Court accepts notice and on instructions from Mr. Kamlesh Chand, PPS, Deputy Superintendent of Police, PAP, Jalandhar Cantt., concedes 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 and after counting of his previous total periods 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

April 17, 2018
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>