

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

CWP No.6416 of 2018

Date of Decision:-08.05.2018

Constable Avtar Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

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

Mr. Manoj Bajaj, Additional Advocate General, Punjab
assisted by SI Satnam Singh.

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 1994 by the Punjab Police. He was absorbed as Constables in the year 2006, 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 (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 Co-ordinate Bench of this Court rendered in CWP No.24472 of 2015 titled 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.

Learned State Counsel on instructions from SI Satnam Singh 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

May 08, 2018
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>