

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

**Civil Writ Petition No. 9936 of 2017 (O&M)
Date of Decision: 15.02.2018**

Sukhjeet Singh and others

..... Petitioners

Versus

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. A.K. Walia, Advocate
for the petitioners.

Mrs. Ishneet Kaur, Assistant Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J.

1. Sukhjeet Singh and 13 others have filed present writ petition under Article 226 of the Constitution of India seeking writ of mandamus directing the respondents to count the services rendered by them as Special Police Officers (for short 'SPO') as qualifying service for the extension of benefit of pay fixation, proficiencies step up, ACP fixation, seniority and pensionary benefits.

2. The conceded position arising from the present writ petition is that the petitioners were enlisted as SPO during 1991 & 1992 and they were absorbed/appointed as Constables during 1993-94. The period during which all the petitioners worked as SPO is not counted as qualifying service for different purposes. As per petitioner, the period during which they worked as SPO should be counted towards qualifying service for all intent and purposes. The petitioners are heavily relying upon judgment of this Court in

the case of *Harbans Lal Versus State of Punjab* (CWP No. 2371 of 2010)

which has been followed by different Benches of this Court especially in the case of ***Constable Rajesh Kumar Versus State of Punjab*** (CWP No. 24472 of 2015).

3. The counsel for the State of Punjab contended that all the petitioners were appointed as Constable in the year 1993-94, therefore, judgment of this Court in the case of ***Harbans Lal Versus State of Punjab*** is not applicable because judgment is applicable where an employment is regularized after the cut off date i.e. 01.01.2004. It would be apt to notice here that w.e.f. 01.01.2004, the State Government has abolished Pension Scheme and introduced contributory Pension Scheme.

4. Before advertng to present controversy, it would be profitable to notice ratio of judgment in the case of ***Harbans Lal Versus State of Punjab***. Division Bench of this Court after noticing decision of Full Bench of this Court in the case of ***Kesarchand Versus State of Punjab 1998 (2) PLR 223*** has held that daily wage period rendered before regularization, is liable to be counted as qualifying service for the purpose of pension.

5. After having scrutinized record of the case and hearing arguments of both the counsels, this Court finds that present petition deserves to be allowed. Division Bench of this Court in the case of ***Harbans Lal (supra)*** has already laid down the law holding that Daily Wages Service rendered before regularization would be counted as qualifying service for the purpose of pension. In the present case, the petitioners were appointed during 1991-92 and were regularized during 1993-94. The petitioner are eligible to benefit extended by this Court in the case of ***Harban Lal (supra)***. The period during which all the petitioners worked as SPO would

and all other cited cases, this Court has ordered to count Daily Wage Period for the purpose of pension and no other benefit has been extended, therefore, the period during which petitioners worked as SPO would be counted for the purpose of pension and no other benefit as claimed by petitioners would be admissible to them.

6. In view of aforesaid finding, the present petition is **partly allowed** and respondents are directed to count period during which petitioners worked as SPO as qualifying service for the purpose of pension.

Since the main case stands decided, therefore, no orders are required to be passed in the pending miscellaneous application(s), if any.

February 15, 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>