

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

**CWP No.8134 of 2018**

**Date of Decision:-17.04.2018**

**Kulwinder Kaur & Ors.**

.....Petitioners.

Versus

**State of Punjab & Ors.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. Jasbir Singh Mohri, Advocate for the Petitioners.

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**JASWANT SINGH, J.(ORAL)**

Ten Petitioners herein are the widows of the Constables, who died during their service tenures. The husbands were engaged as Special Police Officer (SPO) i.e. Class-IV employee on Daily Wage basis during the year 1990 by the Punjab Police. They were absorbed as Constables in the year 2004 to 2010, 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 their late husbands 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 Armed Police and thereafter they are entitled to family pension.

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 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.

It is further contended that the similarly situated widows of the Constables has been granted family pension w.e.f. Date of death of their husbands along with the revised death cum-retirement gratuity etc., by this Court in **CWP No.11802 of 2008** titled as **Paramjit Kaur Vs. The State of Punjab & Ors.** Decided on **11.05.2016** (Annexure P-8).

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, they are to be considered as appointees 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 and CWP No.11802 of 2008 decided on 11.05.2016 (Annexure P-8).

( JASWANT SINGH )  
JUDGE

April 17, 2018  
Vinay

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