

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

LPA No. 665 of 2016 (O&M) in

CWP No.5988 of 2011

Date of decision : 15.1.2018

Raj Kumar and others

.. Appellants

versus

State of Punjab and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
 Hon'ble Mr. Justice B.S. Walia**

Present: Mr. Madhav Pokhrel, Advocate and
 Mr. Kshitij Sharma, Advocate for the appellants.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

Mr. Rahul Sharma, Advocate, for respondent No.3
in LPA No.665 of 2016.

Mr. Mukesh Kumar Bhatnagar, Advocate, for respondent No.4.

Mr. Inqulab Nagpal, Advocate, for respondents No.5 to 25
in LPA No.2143 of 2016.

Rajesh Bindal, J.

This order will dispose of two appeals bearing LPA No.665 and 2143 of 2016, as common questions of law and facts are involved therein.

The writ petition filed by the appellants claiming that they are entitled to pensionary benefits under the Punjab Municipal Employees Pension and General Provident Fund Rules, 1994, was dismissed noticing that the appellants had been appointed by Municipal Council, Fazilka after 1.1.2004 and the pension regime had come to an end on 1.1.2004.

Learned counsel for the appellants pointed out that they were regularly appointed on different dates in the years from 1970 to 1990 with the Punjab Water Supplies and Sewerage Board and Public Health Department on regular basis. Their services, in fact, were transferred to Municipal Council on different dates may be after 1.1.2004. Once they were

already working with the Government or the Statutory Corporations, their claim for grant of pension deserves to be considered, as they cannot be said to be appointed on a date they were transferred in the Municipal Council. The issue has not been considered.

Learned counsel for the respondents fairly submitted that the aforesaid argument raised by the appellants has not been considered by the learned Single Bench. List of dates of appointments of the appellants in CWP No.5988 of 2011 has been annexed as Annexure P-1, which shows the dates of appointments much prior to 1.1.2004.

After hearing learned counsel for the parties and considering the fact that the effect of service rendered by the appellants prior to 1.1.2004 with different departments of the State or Statutory Corporations having not been considered, the matter deserves to be re-examined. Accordingly, the impugned order passed by the learned Single Bench is set aside. The matter is remitted back to the learned Single Bench for fresh consideration.

The matter be listed on 20.2.2018 as per roster. The parties through their counsel are directed to appeal before the learned Single Bench on the date fixed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

15.1.2018
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No