

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-33419-2018

Date of decision: - 18.12.2018

William Kalyan

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present case, the petitioner is seeking the retiral benefits by relying upon the judgment of this Court passed in **CWP No.2371 of 2010**, titled **'Harbans Lal Vs. State of Punjab and others,** **decided on 31.08.2010.**

Petitioner claims that as per the above order, the petitioner is entitled to be covered under the old pension scheme, which was in existence before 01.01.2004 and therefore, the respondents be directed to grant the petitioner the pensionary benefits. As per the averments made in the writ petition, the petitioner was appointed as a Special Police Officer on 28.01.1993 and he was absorbed on the rank of constable on

15.04.2005. Petitioner retired on attaining the age of superannuation on 31.08.2007.

Counsel for the petitioner states that the respondents refused to grant the pensionary benefits to the petitioner on the ground that the petitioner was absorbed as a constable on 15.04.2005, when the new pension scheme was in operation and therefore, the petitioner will not be entitled for any pension. By the judgment of this Court, mentioned above, all the SPOs, who were appointed initially in the year 1993 and were absorbed as a constable after 01.01.2004, have been held entitled for, to be treated under the old pension scheme. The reliance has been placed by the petitioner in this regard also in CWP No.24472 of 2015, decided on 07.01.2016, wherein the similarly situated constables have been held entitled for to be considered under the old pension scheme.

Counsel for the petitioner further states that for the relief which has been sought in the present writ petition, the petitioner has submitted a representation dated 05.06.2018 (Annexure P-10), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is given to the respondents to decide the said representation in view of the settled principle of law mentioned hereinbefore.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the representation dated 05.06.2018 (Annexure P-10) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case

after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

Present writ petition stands disposed of.

December 18, 2018
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No