

CWP-1186-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-1186-2019

Date of Decision: 17.01.2019

Prem Kumar

... Petitioner

vs.

State of Punjab and others

.. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. J.S.Mohri, Advocate  
for the petitioner.

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**HARSIMRAN SINGH SETHI, J**

The present petition has been filed by the petitioner seeking the retiral benefits, which are being denied to the petitioner on the ground that his service was regularized only on 28.07.2009 when the new pension scheme had came into force w.e.f. 01.01.2004

Learned counsel for the petitioner states that the New Pension Scheme will not be applicable on the service of the petitioner in view of the law laid by this Court while deciding CWP No. 2371-2010, titled as **Harbans Lal vs. State of Punjab and others**, on 31.08.2010 (Annexure P3), according to which, even though the service of an employee might have been regularized after 01.01.2004 but in case the employee was in service prior to the said date, he will be governed by the Old Pension Scheme.

Learned counsel for the petitioner further states that for the relief which has been claimed in the present writ petition, the petitioner has made a representation dated 28.10.2018 (Annexure P6) to the respondent(s) and he will be satisfied, at this stage, in case, a time bound direction is issued to respondents to decide the same by passing a speaking order.

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In view of the above, the present writ petition is disposed of with a direction to respondents to pass an appropriate speaking order on the representation dated 28.10.2018 (Annexure P-6) within a period of three months from the receipt of a certified copy of this order.

In case, it is found that the petitioner is entitled to any monetary benefits after the decision of the said representation, the same should also be paid to him within three months thereafter.

**17.01.2019**  
smriti

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No