

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1766-2019

Date of Decision: - 22.01.2019

Nasib Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Neeraj Sharma, Advocate
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which has been raised by the petitioners is that though they were appointed starting from the year 1990 till 1996, but their services were regularized in the year 2011. All the petitioners have since retired on various dates starting from 2012 onwards.

Counsel for the petitioners states that the benefit of pension is not being given to the petitioners on the ground that they became regular employee from the year 2011, on which date, New Pension Scheme had already been came into force and was operational, therefore, as per the New Pension Scheme, the petitioners are not entitled for the pension.

Counsel for the petitioners further states that the said action

of the respondents is contrary to the law laid down by this Court in **Harbans Lal Vs. State of Punjab and others**, in CWP No.2371 of 2010, decided on 31.08.2010, according to which, an employee who was appointed prior to 01.01.2004, though regularized after the said date, will be entitled for the benefit of Old Pension Scheme.

Counsel for the petitioners further states that for the relief which has been sought in the present writ petition, the petitioners have served respondents with a legal notice dated 01.08.2018 (Annexure P-12), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioners, the respondents are directed to decide the legal notice dated 01.08.2018 (Annexure P-12) 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 petitioners are entitled for any monetary benefit, the same shall also be released to them within a period of next three months.

Present writ petition stands disposed of.

January 22, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No