

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

(130)

CWP-9840-2019

Date of Decision: April 11, 2019

Nachhatar Singh

.. 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 writ petition, the petitioner is seeking the grant of family pension under the old pension scheme.

As per the averments made in the writ petition, the petitioner joined as class-IV employee on 01.04.1993 and his services were regularized by the respondents on 31.12.2010 and petitioner ultimately retired on 31.03.2012.

Learned counsel for the petitioner states that as the services of the petitioner were regularized on 31.12.2010, the respondents are not granting the benefit of pension to the petitioner on the ground that w.e.f. 01.01.2004, new contributory provident fund scheme has come in force, under which no pension is admissible to the employees who were appointed on or after 01.10.2004.

Learned counsel for the petitioner states that the said stand of the respondents is against settled law as new pension scheme will not be applicable upon the petitioner herein in view of the law laid down by this

Court while deciding CWP No.2371 of 2010 titled as Harbans Lal Vs. State of Punjab and others, decided on 31.08.2010, according to which, an employee who might have been regularized after the said date i.e. 01.01.2004, he/she will be entitled for the pension of old pension scheme. Learned counsel for the petitioner states that the case of the petitioner is squarely covered by the said judgment.

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 07.08.2018 (Annexure P-6) to the respondents and he will be satisfied, at this stage, in case, a time bound direction is issued to the respondents to decide the same by passing a speaking order.

In view of the above, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the representation dated 07.08.2018 (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 for any monetary benefits after the decision of the said representation, the same should also be paid to him within three months thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

April 11, 2019
harsha

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No