

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

(132)

CWP-14628-2019

Date of Decision: May 28, 2019

Neelam Kumari and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raj Kumar Arya, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioners argues that the grievance of the petitioners is that the husband of petitioner No. 1 and 2 were working as a Class IV employees on daily wage basis with the respondents starting from the year 1989/1993 respectively and they continued working as such till their services were regularized by the respondents-department. Unfortunately, husband of petitioners No. 1 died on 13.03.2017 and husband of petitioner No.2 died on 02.04.2015. Counsel for the petitioners states that petitioner No.3 worked with respondents for a period of about 22 years before he retired from service.

The grievance which is being raised in the present writ petition is that late husbands of petitioners No. 1 and 2 and petitioner No.3 are not being considered for the grant of pension under the old pension scheme on the ground that after 01.01.2004 there is no pension scheme and therefore, no benefit of pension scheme can be given to the petitioners.

Learned counsel for the petitioners argues that keeping in view the law laid down by the Division Bench of this Court in **CWP No.2371 of 2010, titled as Harbans Lal Vs. The State of Punjab and others, decided on 31.08.2010,** this Court has already decided the claim of the similarly situated personnel and allowed them the benefit of pension under the old pension scheme.

Learned counsel for the petitioners relies upon the order passed by this Court in CWP No.1665 of 2017 and other connected cases, decided on

09.08.2017, wherein the benefit of pension under the old pension scheme has been extended to the similarly situated personnel as the petitioners.

Learned counsel for the petitioners states that for the relief which has been claimed in the present writ petition, the petitioners have submitted a representation dated 05.07.2018 (Annexure P-10) to 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 representation by passing an appropriate speaking order by taking into consideration the order passed by this Court in CWP No. 1665 of 2017 and other connected cases, decided on 09.08.2017.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the representation dated 05.07.2018 (Annexure P-10), the present writ petition is disposed of with a direction to the respondents to decide the representation dated 05.07.2018 (Annexure P-10) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioners are entitled for any monetary benefits after the decision of the representation, the same should also be paid to them within three months thereafter.

May 28, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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