

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17869-2019

Date of decision: - 05.07.2019

Rattan Singh and others

....Petitioners

Versus

Punjab State and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. H.K. Brinda, Advocate,
for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

The claim of the petitioners in the present writ petition is that they are not being released the pension on the ground that their services were regularized in November, 2011 and on the said date, there was no pension scheme available as only the scheme of contributory provident fund was available w.e.f. 01.01.2004.

Counsel for the petitioners argues that petitioners are entitled for the benefit of pension under Old Pension Scheme as per the judgment of this Court in **CWP No.2371 of 2010** titled as '**Harbans Lal Vs. State of Punjab and others**', **decided on 31.08.2010**, according to which, if an employee was in service as on 01.01.2004 though his/her services were regularized after the said date, will be covered by the Old Pension Scheme for the grant of benefits after retirement and will be entitled for

the pensionary benefits and therefore, the action of the respondents for not granting the pensionary benefits is contrary to the settled principle of law.

Counsel for the petitioners states that for the relief which has been sought in the present writ petition, petitioners have served respondents with a legal notice dated 04.06.2019 (Annexure P-7), 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 or the claim being made by the petitioners, the respondents are directed to decide the legal notice dated 04.06.2019 (Annexure P-7) 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.

July 05, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No