

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18400-2019

Date of decision: - 10.07.2019

Krishna Devi

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Surmeet S. Sandhu, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance raised by the petitioner is that though he joined on 20.02.1991 and her services were regularized by the respondents on 15.12.2010, but she has not been given the benefit of pension under the Old Pension Scheme, only on the ground that on the date of the regularization of her services i.e. 15.12.2010, General Provident Fund Scheme was in operation and therefore, no pension is admissible to her.

Counsel for the petitioner argues that petitioner is 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 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 petitioner states that for the relief which has been sought in the present writ petition, petitioner has submitted a representation dated 20.04.2019 (Annexure P-8) to the respondents, which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said representation.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the representation dated 20.04.2019 (Annexure P-8) 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 petitioner is entitled for any monetary benefit, the same shall also be released to her within a period of next three months.

Present writ petition stands disposed of.

July 10, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No