

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

CWP-6484-2014 (O&M)
Date of decision : 25.03.2019

Raj Kumar and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ranjit Singh, Advocate,
for the petitioner(s).

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab.

None for respondent No.4.

JITENDRA CHAUHAN, J.

By way of the instant petition filed under Articles 226/227 of the Constitution of India, the petitioners, *inter alia* seek issuance of a direction to the respondents to grant the benefits of Contributory Pension Scheme dated 12.12.2006 to the petitioner w.e.f. the date of their respective appointment.

Learned counsel for the petitioners contends that the case of the petitioners is squarely covered by the ratio of law laid down by this Court in CWP No.22416 of 2014 titled as '*Gurjeet Singh and others Vs. State of Punjab and others*', decided on 03.11.2014.

Learned State counsel does not dispute the assertion so raised by learned counsel for the petitioners.

Heard.

In *Gurjeet Singh's case (supra)*, it has been observed as under:-

“The petitioners claim the benefit of the scheme appended to this petition as Annexure P-1 in term of clause 1 which is extracted herebelow :-

“1. The new Pension Scheme will work on defined contribution basis and will have two tiers – Tier- I and II. Contribution to Tier-I is mandatory for all Government employees joining Government Services on or after 1.1.2004, whereas Tier-II will be optional and at the discretion of Government employees.”

Learned counsel for the petitioners contends that the petitioners had joined service in the year 2006 and 2007 but despite the fact that they have represented their cause, and also the fact that the respondents themselves have taken a decision on 1.3.2013, according to which the Contributory Provident Fund amount would be deposited in the accounts of the employees with effect from the date of their appointment, the same has not been done. The petitioners refer to earlier orders passed by this Court as Annexures P-5 and P-6 to state that the benefit is being given to those persons who had approached this court but in the cases of others no decision is being taken.

On due consideration of the matter, I am of the view that the respondents have no reason to keep this benefit in abeyance to deprive the petitioners of their rightful dues. Once there is a policy in place which entitles all such employees who have joined service after 1.1.2004 to the benefit of the scheme and which fact has

also been acknowledged by the respondents if the orders Annexures P-5 and P-6 are to be seen, then there can be no justification in forcing the petitioners to come to this Court seeking the aforesaid benefit.

Notice of motion.

Ms. Sudeepti Sharma, Deputy Advocate General, Punjab, who is present in Court, accepts notice.

Keeping in view the fact that the scheme evidently entitles the petitioners to the benefit, which fact has also been acknowledged by the orders of the Deputy Director, Department of Rural Development and Panchayats, Punjab dated 1.3.2013, there seems to be no apparent reason to deprive the petitioners of the benefit and force them to come to the Court. Consequently, the respondents would be required to address the grievance of the petitioners within a period of two weeks from the date of receipt of certified copy of this order. It is made clear that this benefit would be admissible to all employees as is intended by the scheme unless there is a justified reason by the respondents to deny such benefit to an employee which should be reflected in a speaking order passed. But under no circumstances the Court would tolerate a situation where the employees would be forced to come to seek the benefit which already stands crystalized in the scheme and the letters of the respondents themselves. It is also made clear that in case such employees are forced to come to this Court for this benefit, the concerned officer who will force such a situation would be burdened with exemplary costs which shall be recovered from his personal pay. Needless to say, if the delay on the part of the respondents entitles the petitioner to interest, which is also envisioned in the scheme, said benefit would also be given to them.

Petition stands disposed of as above.”

In view of the stand taken by the parties that the matter in hand is squarely covered by the judgment rendered by this Court in ***Gurjeet Singh's case (supra)***, the instant writ petition is allowed in the same terms.

25.03.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No