

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26219 of 2018
DATE OF DECISION:14.02.2019

Gurbachan Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arihant Goyal, Advocate
for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General,
Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which has been raised by the petitioner is that the case of the petitioner for grant of pension has been rejected by the respondents vide order dated 20.07.2018 (Annexure P-8).

As per the facts which have been stated in the writ petition, the petitioner was appointed as Special Police Officer in Punjab Police Department in the year 1995. Thereafter, the petitioner was absorbed as Constable with the Punjab police in January, 2009.

The petitioner superannuated while working as Constable on 31.10.2015. After the retirement, the benefit of pension is not being

extended to the petitioner on the ground that after 01.01.2004, there is Contributory Provident Fund Scheme applicable and not the old pension scheme, therefore, the petitioner is not entitled for the pension as being claimed by him. In this regard, an order was passed by the respondents declining the claim of the petitioner.

In the present writ petition, the claim has been made that the petitioner should be considered under the old pension scheme for the grant of pensionary benefits. Said claim has been made on the basis of the decision of the Division Bench of this Court in CWP No.2371 of 2010 decided on 31.08.2010, titled as **Harbans Lal Vs. State of Punjab and others.**

Respondents have filed a short reply admitting the case of the petitioner. The relevant para of the reply is as under:

“That the petitioner was appointed as Special Police Officer on 21.07.1995 in Punjab Police Department vide order No.17136-37/3 dated 21.07.1995 (Annexure P-2) issued by the Senior Superintendent of Police, Bathinda. On verification of service record of the petitioner, it has been found that he has rendered daily wage service as Special Police Officer before his absorption as Constable in Punjab Police Department. The petitioner was absorbed as Constable in Punjab Police Department on 26.01.2009 vide order No.2002-10/Sena Clerk dated 26.01.2009 (Annexure P-4) passed by the Commandant, 2nd IRB, Ladda Kothi, Sangrur and finally retired from service on 31.10.2015 after attaining the age of superannuation. Hence the instant writ petition squarely covered by the judgment dated 31.08.2010 passed by the Division Bench of this Hon'ble Court in CWP No.2371 of 2010 titled as Harbans Lal Vs. State of Punjab and others. Service

proforma of the petitioner is attached herewith as Annexure R-1.”

Counsel for the petitioner states that though the claim of the petitioner has already been accepted but still the benefits accruing to the petitioner such as the pension has not been paid so far and, therefore, the respondents are liable to be directed to implement the said order and release the benefit by considering the case of the petitioner under old pension scheme in a time bound manner.

Counsel for the respondents states that once the order has already been passed, the same would have been implemented by now. He further states that in case the same has not been implemented so far, the benefits arising out Annexure R-1 to the petitioner upon his retirement by considering his case under old pension scheme, will be finalized within a period of three months from the date of receipt of a certified copy of this order.

Keeping in view the undertaking given by the counsel for the respondents, the petitioner's counsel does not wish to press this petition any further.

Counsel for the petitioner states that he be given liberty to approach the respondents by filing appropriate representation claiming interest on the delayed release of the payment. Counsel for the petitioner argued that at the time of retirement of the petitioner from service, the settled law on the basis of which the relief has now been extended to him, was already available, hence petitioner is entitled for interest as well. In case any such representation is filed,

the same shall also be decided in view of the settled principles of law laid down by Full Bench of this Court in the case of **A.S. Randhawa Vs. State of Punjab 1997(3) SCT 468** for the grant of interest on delayed payments.

Disposed of in above terms.

February 14, 2019
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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