

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 6421 of 2017 (O&M)

Date of Decision : 06.03.2019

Daljit Kaur

...Petitioner

Versus

Punjab School Education Board and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

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

Ms. Satinder Kaur, Advocate for
Mr. J.S. Puri, Advocate
for the respondents.

Harsimran Singh Sethi, J.(Oral)

CM-3284-CWP-2019

The present application has been filed to place on record the replication.

The application is allowed and replication is taken on record.

CWP-6421-2017

In the present writ petition, the claim which is being made by the petitioner is to count the daily wage/ad-hoc service rendered by her from 22.11.1993 till 16.01.2006 as a qualifying service for computing the pensionary benefits. The reliance was being placed by the petitioner on the Resolution of the respondent-Board dated 10.01.2006 to contend that the services of the petitioner were regularized and, therefore, once the services

of the petitioner were regularized in January, 2006, in view of the law laid down by the Division Bench of this Court in CWP No. 2371 of 2010, titled as ***Harbans Lal Vs. State of Punjab and others***, the petitioner is entitled to be considered under the Old Pension Scheme so as to grant him the benefit of pension.

In reply filed by the respondents, the respondents have placed on record Annexure R-2 dated 28.03.2018, which is the Resolution passed by the respondent-Board by which the Resolution dated 10.01.2006 has been withdrawn/amended to say that the same was a fresh appointment and not the regularized one.

Faced with this situation, learned counsel for the petitioner states that he be allowed to withdraw the present writ petition to file a fresh one on the same cause of action by impugning the Resolution dated 28.03.2018 on all the available grounds including that the said Resolution cannot have the retrospective effect and take away the right of the petitioner who already stood retired much prior to the passing of the said Resolution.

Dismissed as withdrawn with liberty as prayed for.

March 06, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes*
Whether reportable? *No*