

Sr. No.122

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

CWP No. 25399 of 2019 (O&M)

Date of Decision: 11.09.2019

Gurvinder Pal Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. R.Kartikeya, Advocate,
for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

ARUN MONGA, J.(ORAL)

Inter alia, contends that petitioners were appointed as 'Constables' in Punjab Police Academy in the year 2003 and, therefore, are entitled to opt for Contributory Pension Scheme dated 12.12.2006 (Annexure P-4), which is applicable with retrospective effect with effect from 01.01.2004.

2. Learned counsel for the petitioners submits that the applicability of the said Scheme is to be construed from the date when the appointment letters are issued to the petitioner and not from the date of joining. In the premise, the petitioner also caused a legal notice dated 03.07.2019 (Annexure P-6), but the same has not been adverted by the respondents till date. Hence, the writ petition.

3. Learned counsel for the petitioners relies on the

judgment rendered by ***Delhi High Court in W.P.(C) 3834 of 2013 decided on 12.02.2015*** titled as ***Parma Nand Yadav and others Vs. Union of India and others*** contained at Annexure P-5, wherein similar issue was involved and it has been held that the benefit has to be given from the date of appointment and not from the date of joining.

4. Notice of motion.

5. On advance service of the petition, Ms. Samina Dhir, DAG, Punjab appears and accepts notice on behalf of the State.

6. Given the nature of order being passed, there is no necessity to seek return by the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the respondents to objectively consider the legal notice dated 03.07.2019 (Annexure P-6) and also by keeping in view the contentions stated in the present writ petition by treating it as a supplementary representation and pass a speaking order, in accordance with law.

8. Let the needful be done within a period of 3 months from the date of receipt of a certified copy of this order.

9. Disposed of in above terms.

11.09.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No