

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

(139)

CWP-28310-2019

Date of Decision: September 30, 2019

Manjit Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumeet S. Sandhu, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner states that the petitioner was initially appointed on daily wage basis on 01.03.1993 and he continued working as such till his services were regularized on 10.11.2011 and ultimately, the petitioner retired from service on attaining the age of superannuation on 30.04.2019 after availing the benefit of extension.

Learned counsel for the petitioner argues that though the petitioner had approximately 26 years of service when he superannuated but the benefit of pension has not been extended to him on the ground that on the day when the services of the petitioner were regularized, new contributory provident fund scheme was in operation and therefore, as old pension scheme was not in operation w.e.f. 01.01.2004, the petitioner was not granted the benefit of pension under the old pension scheme.

Learned 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 in 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 20.06.2019 (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 by passing an appropriate speaking order.

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 20.06.2019 (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 him within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

September 30, 2019
harsha

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