

Sr. No.131

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

CWP No.33178 of 2019 (O&M)

Date of Decision: 16.11.2019

Bhoj Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Narender Kaur, Advocate,
for the petitioners.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

ARUN MONGA, J.(ORAL)

Petitioners herein seek issuance of a writ in the nature of mandamus directing the respondents to count their daily wage/contract basis service and grant the benefit of old pension scheme which was in existence prior to 01.01.2004 as per Punjab Municipal Employee Pension and General Provident Fund Rules 1994, and grant them pension on their retirement with all consequential benefits instead of application of new redefined contributory pension scheme.

2. Learned counsel for the petitioners states that case of the petitioners is squarely covered by the judgment of this Court rendered in ***CWP No.2371 of 2010*** titled as ***Harbans Lal Vs. State of Punjab and others decided on 31.08.2010 (Annexure P-8)***. She further submits that petitioners submitted a representation dated 30.07.2019 (Annexure P-12) to the respondents but the same has

not been adverted by the respondents till date. Hence, the present writ petition.

3. Notice of motion.

4. On advance service of the petition, Ms. Monica Chhibber Sharma, Sr. DAG, Punjab appears and accepts notice on behalf of the State.

5. 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.

6. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the respondents to objectively consider the representation dated 30.07.2019 (Annexure P-12) 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.

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

8. Till passing of fresh orders, petitioners shall not be pressurised/coerced into filling up of Subscriber Registration Form pursuant to office order dated 15.07.2019.

9. Disposed of in above terms.

(ARUN MONGA)
JUDGE

16.11.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No