

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-33085-2019

Date of decision: - 16.11.2019

Karamjeet Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jasbir Singh Mohri, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

As per the averments made in the present writ petition, father of the petitioner, namely, Sh. Jagdev Singh was initially appointed as as Special Police Officer (SPO) on 12.08.1993 and later on was absorbed as a Constable on 21.11.2006. While in service, Sh. Jagdev Singh unfortunately died on 02.06.2007. Prior to the death of the father of the petitioner, the mother of the petitioner had already died on 20.12.2010. The petitioner was the only legal heir of the Sh. Jagdev Singh. Learned counsel for the petitioner argues that though late father of the petitioner had worked for 24 years approximately with the respondents, but no benefit for his service including family pension, has been allowed by the respondents on the ground that as the services of the late father of the petitioner were regularized as a Constable on 21.11.2006 and on the said

date there was no pension scheme applicable and only Contributory Provident Fund Scheme was in operation and therefore, no benefit can be extended.

Counsel for the petitioner argues that the said objection is contrary to the settled principle of law settled by the Division Bench of this Court in **CWP No.2371 of 2010** titled as '**Harbans Lal Vs. State of Punjab and others**', decided on **31.08.2010**, which order has already attained finality up to the Hon'ble Supreme Court. According to **Harbans Lal's case (supra)**, if an employee was in service as on 01.01.2004 though his/her services might have been regularized after the said date, he/she will be entitled for the benefit of the Old Pension Scheme and this question has already been settled in the case of SPOs, the post on which the father of the petitioner was working, in **CWP No.24472 of 2015** titled as '**Constable Rajesh Kumar and others Vs. State of Punjab and another**', decided on **07.01.2016**, therefore the respondents are under obligation to grant the petitioner the benefit under the Old Pension Scheme in respect of the service rendered by his late father.

Counsel for the petitioner further states that for the relief, which has been sought in the present writ petition, petitioner has submitted a representation dated 20.12.2018 (Annexure P-9), 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 representations.

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 20.12.2018 (Annexure P-9) 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 three months thereafter.

Present writ petition stands disposed of.

November 16, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No