

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-781-2019

Date of decision: - 15.01.2019

Savitri Devi

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. N.K. Bhalla, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Present writ petition has been filed by the petitioner stating that she worked as Safai Sewak from 10.09.1992 to 31.08.2015. It has been further mentioned in the writ petition that the petitioner worked on temporary basis upto 23.11.2005, when her services were regularized by the respondents as Safai Sewak.

From the pleadings in the writ petition, it transpires that the respondents are not allowing the petitioner the benefits of pension on the ground that the services of the petitioner was regularized in November, 2005 i.e. when New Pension Scheme had come into force, according to which, there was no pension available to the employees, hence, petitioner is not entitled for the pension.

It has been contended on behalf of the petitioner that the case of the petitioner is squarely covered in view of the law laid down by this Court in Harbans Lal Vs. State of Punjab and others, in CWP No.2371 of 2010, decided on 31.08.2010, according to which, an

employee, who was working on temporary basis prior to 01.01.2004, is entitled for the benefit under Old Pension Scheme even though the services of the said employee were regularized after 01.01.2004.

Counsel for the petitioner further states that the petitioner has not served any legal notice or any representation in respect of her claim to the respondents. He prays that time be granted to the petitioner to file a representation in respect of the claim which has been raised by her in the present writ petition and the respondents be directed to decide the same within a time bound manner.

Counsel for the petitioner wishes to withdraw the present writ petition with a liberty to file the appropriate representation before the respondents.

Dismissed as withdrawn, with the liberty, as prayed for.

In case the petitioner files a detailed representation with the respondents in respect of the claim for the grant of pension, as narrated herein, within a period of four weeks from today, the respondents shall decide the same by passing the appropriate orders within a period of three months thereafter. It is expected that the respondents will also keep in mind the settled principle of law as settled by this Court in **Harbans Lal's case (supra)** while deciding the representation in case the same is filed by the petitioner.

Present writ petition stands disposed of.

(**HARSIMRAN SINGH SETHI**)
JUDGE

January 15, 2019
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Whether reasoned/speaking?
Whether reportable?

Yes
No