

117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.35935 of 2019 (O&M)
Date of decision : December 11, 2019

Chanan Kaur and others Petitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sukhwinder Singh Sudan, Advocate for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioners states that the respective late husbands of the petitioners were in service as on 01.01.2004, though, their services were regularized from the year 2011 onwards.

Learned counsel for the petitioners further states that respective husbands of the petitioners died while in service but after their death, the petitioners are not being given the benefit under the Old Pension Scheme and their husbands are being treated under the New Contributory Pension Scheme, which came in to effect from 01.01.2004. Learned counsel for the petitioner argues that the said act of the respondents is contrary to the settled principle of law as 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 has already been upheld by Hon'ble the Supreme Court.

Learned counsel for the petitioners argues that according to *Harbans Lal's case (supra)*, an employee, who was in service as on 01.01.2004, though his services might have been regularized after the said

date, is entitled to be considered under the Old Pension Scheme and therefore, the petitioners are entitled for the benefits under the Old Pension Scheme after the death of their husbands.

Counsel for the petitioners states that for the relief which has been sought in the present writ petition, petitioners have served a legal notice dated 17.06.2019 (Annexure P-10) to the respondents, which is still pending consideration with the respondents and the petitioners 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 accordance with law.

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioners, the respondents are directed to decide the legal notice dated 17.06.2019 (Annexure P-10) 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 petitioners are entitled for any monetary benefit, the same shall also be released to them within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 11, 2019

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Whether speaking / reasoned

Yes

Whether Reportable:

No