

CWP No.37451 of 2019 (O&M)
Date of decision : December 20, 2019

Rajpal and others

..... **Petitioners**

Versus

The Pepsu Road Transport Corporation and another Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vikas Singh, Advocate for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

The grievance of the petitioners in the present writ petition is that the petitioners are being denied the pensionary benefits under the Old Pension Scheme on the ground that their services were regularized after 01.01.2004.

Learned counsel for the petitioners further states that the denial of the pensionary benefits to the petitioners under the Old Pension Scheme, is contrary to settled principle of law settled by the Division Bench of this Court in CWP No.2371 of 2010, titled as ***“Harbans Lal vs The State of Punjab and others”***, decided on 31.08.2010, which judgment has already attained finality upto Hon'ble the Supreme Court.

Learned counsel for the petitioners states that as per ***Harbans Lal's case (supra)***, in case, an employee was in service as on 01.01.2004, though, his/her services were regularized subsequent to the said date, the said employee will be governed under the Old Pension Scheme, therefore, the petitioners are entitled for the benefits under the Old Pension Scheme for the grant of pensionary benefits.

Counsel for the petitioners states that for the relief which has been sought in the present writ petition, petitioners have submitted a representation dated 19.08.2019 (Annexure P-3) with the respondents, which is still pending consideration with respondent No.2 and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to respondent No.2 to decide the same by passing an appropriate speaking order in accordance with law.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioners, respondent No.2 is directed to decide the representation dated 19.08.2019 (Annexure P-3), 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 them within a period of next three months.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 20, 2019

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No