

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-800-2020(O&M)
Date of Decision: 14.1.2020

Mukesh Kumar & another

--Petitioners

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Mohri, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

As per pleadings on record, petitioner no.1 was engaged as a Special Police Officer in the Police Department, State of Punjab on 12.8.1992 and subsequently on having qualified the suitability test was enrolled as a Constable by the source of Special Police Officer after 1.1.2004. Likewise, petitioner no.2 was engaged as Special Police Officer on 7.2.1993 and enrolled as a Constable on 3.2.2005. On such basis the petitioners are sought to be governed by the New Restructured Defined Contribution Pension Scheme introduced for the appointees under the Punjab Govt. after 1.1.2004.

The precise claim set forth in the petition is that the petitioners ought to be governed under the Old Pension Scheme applicable to the appointees prior to 1.1.2004 by getting their previous period of engagement with the Punjab Govt.

It is the contention raised by counsel that the claim raised in the instant petition would be covered by a Division Bench judgment of this Court rendered in ***Harbans Lal Vs. State of Punjab & others (2012) 3 SCT 362*** and which has attained finality. Further contended that the ratio of

Harbans Lal's case (supra) has already been extended to similarly situated

Special Police Officers by a Coordinate Bench of this Court in **CWP-24472-2015 (Constable Rajesh Kumar & others Vs. State of Punjab & another)** vide order dated 07.01.2016. Even the review application preferred against the order dated 07.01.2016 has been dismissed vide order dated 09.05.2016.

Counsel makes a submission that a joint representation with regard to the grievance/claim of the petitioners has been filed and that he would be satisfied if the writ petition were to be disposed of with a direction to the concerned authority to examine the same.

Submission advanced by counsel is found to be just and reasonable.

In view of the above, instant petition is disposed of with a direction to respondent no.2/3 to examine the claim of the petitioners against the backdrop of a representation dated 26.8.2019 (Annexure P-9) and to take a final decision thereupon expeditiously and in any case within a period of two months from the date of receipt of a certified copy of this order.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

14.1.2020
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No