

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2950 of 2020

Date of decision: 04.02.2020

Gurmail Kaur

.... 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.

The present writ petition has been filed by the petitioner seeking the retiral benefits, which are being denied to the petitioner on the ground that her service was regularized only on 08.11.2011, after the new contributory pension scheme had come into force w.e.f. 01.01.2004.

Learned counsel for the petitioner states that the New Pension Scheme will not be applicable on the petitioner in view of the law laid down by this Court while deciding CWP No. 2371-2010, titled as **Harbans Lal vs. State of Punjab and others**, on 31.08.2010 (Annexure P4), according to which, even though the service of an employee might have been regularized after 01.01.2004 but in case the employee was in service prior to the said date, he will be governed by the Old Pension Scheme.

Learned counsel for the petitioner further states that for the relief which has been claimed in the present writ petition, the petitioner has submitted a representation dated 18.11.2019 (Annexure P-7) to the

respondent(s) and she will be satisfied, at this stage, in case, a time bound direction is issued to respondent No.3 to decide the same by passing an appropriate speaking order.

In view of the above, the present writ petition is disposed of with a direction to respondent No.3 to pass an appropriate speaking order on the representation dated 18.11.2019 (Annexure P-7) within a period of three months from the receipt of a certified copy of this order. In case, it is found that the petitioner is entitled to any monetary benefits after the decision of the said representation, the same should also be paid to her within three months thereafter.

(HARSIMRAN SINGH SETHI)

04.02.2020

JUDGE

- aarti* 1. Whether speaking/non-speaking?
2. Whether reportable?

Yes/No
Yes/No