

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

114

CWP No.11867 of 2020

Decided on : 14.08.2020

Jagtar Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Jasbir Singh Mohri, Advocate for the petitioners.

Ms. Anu Pal, DAG, Punjab.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Articles 226/227 of the Constitution of India the petitioners seek directions for issuance of a writ in the nature of mandamus directing the respondents to count their daily wage service rendered before their respective regularization as qualifying service. Consequential relief of permitting the petitioners to continue in the old GPF Scheme and declaring that new reconstructed defined contribution scheme dated 02.03.2004 (Annexure P-1) and instructions dated 12.12.2006 (Annexure P-2) would not apply to their case, is prayed for.

The claim is on the basis of the Division Bench judgment dated 31.08.2010 passed in CWP No.2371 of 2010 '**Harbans Lal Vs. The State of Punjab and others**' (Annexure P-3), which has been upheld by the Apex Court on 30.07.2012. It is submitted that a representation dated 23.06.2020 (Annexure P-8) has already been moved with the respondents for claiming the said relief. Reliance is placed upon the subsequent orders/judgments passed by this Court in **CWP No.24472 of 2015 'Rajesh Kumar & others Vs. State of Punjab and others'**, **CWP No.10376 of 2014 'Subhash Chander & 79 others Vs. State of Punjab** and **CWP No.20601 of 2014 'Rajinder Singh & others Vs. State of Punjab & others'**.

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Notice of motion.

Ms. Anu Pal, DAG, Punjab accepts notice on behalf of the respondents.

Keeping in view the above, this Court does not feel it necessary to call upon the respondents to file a reply, as the decision making process is still incomplete. Accordingly, the present writ petition is disposed of with the directions to the competent authority to consider the representation in terms of the above judgments and pass necessary orders within a period of 3 months from the receipt of the certified copy of this order. If the said benefit is found admissible the necessary financial relief be paid within 2 months thereafter.

In case, the said benefits are not admissible as such to the petitioners, a detailed reasoned order shall be passed and communicated to them.

AUGUST 14, 2020

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No