

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

CWP No. 15481 of 2020

DATE OF DECISION :- September 28, 2020

Varinder Kumar and others

...Petitioners

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

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

The case has been taken up through Video Conferencing.

Petitioners Varinder Kumar and 11 others have approached this Court by way of filing the instant Civil Writ Petition under Article 226/227 of the Constitution of India against respondents i.e. the State of Punjab through Secretary to Government of Punjab, Department of Home Affairs, the Director General of Police, Punjab, the Additional Director General of Police, Armed Force, Jalandhar Cantt. and the Senior Superintendent of Police, Fatehgarh Sahib for issuance of a writ in the nature of mandamus directing the respondents to count the daily wage service of the petitioners rendered before their respective regularization as qualifying service and consequently permit the petitioners to continue in the old GPF scheme.

According to the petitioners they were initially appointed as Class IV employees between year 1986 to 2002. Subsequently their services were regularized. The petitioners were treated as fresh entrants without considering their past service and Contributory Pension Scheme which was enforced w.e.f. 1.1.2004 was wrongly made applicable to them; that in a case CWP No. 2371 of 2010 titled 'Harbans Lal Versus State of Punjab and Others' it was observed that where daily

wager has been regularized after 1.1.2004 the entire daily wage service period would be taken into consideration and such employees would be entitled to claim pension. According to the petitioners they had submitted a representation to the respondents before filing of the writ petition without evoking any response.

Notice of motion.

Mr. Vikas Mohan Gupta, Addl. A.G., Punjab has accepted notice on behalf of the respondents.

Learned counsel for the petitioners submits that petitioners shall be satisfied if the respondents are directed to consider their claim and take decision in the matter within a fixed time frame. Learned State counsel states that respondents would comply with any such direction issued by this Court.

Accordingly, the present writ petition is disposed of directing the respondents to dispose of the representation of the petitioners and consider their claim within a period of two months from the date of receipt of certified copy of this order.

It is made clear that since the writ petition has not been decided on merits, in case after disposal of their representation the petitioners still feel aggrieved by the decision taken by the respondents then they shall be entitled to take recourse to the legal remedy, in accordance with law.

(H.S. MADAAN)
JUDGE

September 28, 2020
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No