

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17999 of 2018
Date of Decision: 12.03.2020

Harjinder Singh

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Puneet K Sharma, Advocate for the petitioner

Mr. Rajesh Bhardwaj, Sr.DAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

(1) The petitioner Harjinder Singh has filed the present writ petition *inter alia* seeking a direction to the respondents to consider and grant him retiral benefits under the old pension scheme. The pleaded case of the petitioner is to count daily wage service rendered by him before regularization as 'qualifying service'.

(2) It is also pleaded that the case of the petitioner is covered by the judgments of this Court in (i) **CWP No.2371 of 2010 (Harbans Lal vs. State of Punjab & Ors.)** decided on 31.08.2010 (P5); (ii) **CWP No.24472 of 2015 (Constable Rajesh Kumar & Ors. vs. State of Punjab & Anr.)** decided on 07.01.2016 (P8); and (iii) **CWP No.24688 of 2016 (Manjit Singh & Ors. vs. State of Punjab & Ors.)** decided on 19.01.2017 (P16).

(3) Record shows that notice in this case was issued on 24.07.2018. On behalf of respondents No.1 to 4, short reply has been filed by Sh. Harkamalpreet Singh Khakh, PPS, Commandant 7th Bn, PAP, Jalandhar Cantt. In the short reply, it has been stated that the petitioner was absorbed as Constable vide order dated 20.02.2017. In para 4, it has been averred as under:-

“4. That the particulars mentioned in the present civil writ petition have been verified with the service record of the petitioner and it has been found that the petitioner had rendered daily wage service as Special Police officer before the absorption as constable in the Police Department. Hence, the instant writ petition is squarely covered by the judgment dated 31.08.2010 in CWP No.2371 of 2010 titled as Harbans Lal v/s State of Punjab and others and Judgment dated 07.01.2016 in CWP No.24472 of 2015 titled Ct.Rajesh Kumar and others v/s State of Punjab and others.

5. That the respondents are filing short reply by way of affidavit at this stage, without prejudice to their right to file a detailed affidavit, if situation so warrants.

It is therefore, respectfully prayed that in view of the facts narrated above in the reply, the present writ petition may kindly be disposed of.”

(4) In view of the above, the present writ petition is disposed of with a direction to the respondents to allow consequential benefits to the petitioner as per their above stand.

(5) It is directed that let the needful be done within 3 months from the date of receipt of certified copy of this order.

(6) So ordered.

12.03.2020
Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No