

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

**CWP-4192-2017 (O&M)**  
**Date of Decision: 09.1.2020**

Surinder Paul & others

--Petitioners

Versus

State of Punjab & others

--Respondents

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

Present:- Mr. P.S. Dhaliwal, Advocate for the petitioners.

Ms. Ambika Bedi, AAG, Punjab.

Mr. Naresh Gopal Sharma, Advocate for  
Mr. Mehardeep Singh, Advocate for respondent no.3.

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**TEJINDER SINGH DHINDSA.J (Oral)**

Counsel for the parties have been heard.

Petitioner, who are serving on the post of Clerks and Sewadars under Nagar Panchayat, Handiaya, District Barnala have filed the instant petition being aggrieved of the action of the respondents in applying the New Restructured Defined Contributory Pension Scheme issued on 12.12.2006 by the Govt. of Punjab.

The uncontroverted facts are that the petitioners were initially appointed as Clerks and Sewadars on contract basis in the year 1997. Their services were regularized vide order dated 11.8.2011 (Annexure P-1). The details as regards date of joining on contract basis and date of regularization have been furnished in a tabulation at Annexure P-2 and the contents thereof are not disputed by the respondents.

Prior to 1.1.2004 Punjab Govt. employees as well as employees working under the Municipal Corporations/Municipal Councils, Nagar Panchayats as also Improvement Trusts were covered under the G.P.F

Scheme. That apart, such employees were also entitled to pensionary benefits as per the Punjab Municipal Employees Pension and General Provident Fund Rules, 1994. It is w.e.f. 1.1.2004 that the New Restructured Defined Contributory Pension Scheme was introduced for new entrants in Punjab Govt. service vide instructions dated 12.12.2006 (Annexure P-3).

The precise case projected on behalf of the petitioners is that they would be covered under the Old Pension Scheme applicable to appointees prior to 1.1.2004 and by counting their previous period of service be it on contractual basis under the Nagar Panchayat.

It is also the contention raised by counsel that the issue raised in the instant petition would be covered in favour of the petitioners in terms of a Division Bench judgement of this Court rendered in case of ***Harbans Lal Vs. State of Punjab and others, 2012(3) S.C.T, 362.***

In view of the above, it is deemed appropriate to dispose of the instant writ petition by directing respondent no.3 to treat the writ petition itself as a representation/claim petition and to take a final decision with regard to the claim of the petitioners in terms of passing a speaking order within a period of two months from the date of receipt of a certified copy of this order.

Disposed of.

(TEJINDER SINGH DHINDSA)  
JUDGE

09.1.2020

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