

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

CWP No.1011 of 2021

Date of Decision: 15.01.2021

Lakhwinder Masih and another

...Petitioners

Versus

State of Punjab and others

....Respondents

(Proceedings through Video Conferencing)

CORAM :- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioners argues that the claim of the petitioners for the grant of pension under the old Pension Scheme is squarely covered by the decision in ***Harbans Lal versus State of Punjab, CWP No.2371 of 2010*** decided on **31.08.2010**.

Learned counsel for the petitioners submits that the petitioners were initially appointed as Special Police Officers in the year 1992/1993 and thereafter, their services were regularized between 2004 and 2006. Learned counsel for the petitioners argues that as per ***Harbans Lal's*** case (supra), though the services of the employees might have been regularized after 01.01.2004 but in case, the said employees were in service prior to the said date, they will be governed by the old Pension Scheme but despite the said settled principle of law as decided in ***Harbans Lal's*** case (supra), the petitioners are not being considered under the old Pension Scheme.

Learned counsel for the petitioners submits for the relief, which

has been claimed in the present writ petition, the petitioners have already served a representation on 28.10.2020 (Annexure P-9) which is still pending consideration with the respondents and the petitioners will be satisfied at this stage, in case, a time bound direction is given to respondent No.2 to decide the same by passing an appropriate speaking order.

Notice of motion.

Ms. Ambika Bedi, A.A.G., Punjab appears and accepts notice on behalf of the respondents-State.

Learned State counsel raises no objection for deciding the representation dated 28.10.2020 (Annexure P-9) in a time bound manner by passing an appropriate speaking order.

Without going into merits of the case and expressing any opinion on the claim being raised by the petitioners in the present writ petition or in the representation, the present writ petition is disposed of with a direction to respondent No.2 to decide the representation dated 28.10.2020 (Annexure P-9) of the petitioners within a period of four months from the receipt of the copy of this order.

Needless to say that in case, after the decision, the petitioner is found entitled for the relief, the same be also extended to them expeditiously but not later than two months from the said decision.

(HARSIMRAN SINGH SETHI)
JUDGE

15.01.2021
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No