

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

CWP No. 1407 of 2021
Date of Decision : 22.01.2021

Nand Kishore

...Petitioner

Versus

State of Punjab and another

...Respondents

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sachin Ohri, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioner submits that petitioner was initially appointed with the respondent-University in the year 1995 on contractual basis and he continued working as such till September, 2004, when his services were regularized and ultimately, petitioner retired on attaining the age of superannuation on 31.03.2019.

Learned counsel for the petitioner further submits that petitioner is being considered under the New Pension Scheme for the grant of retiral benefits, which has come into force w.e.f. 01.01.2004 on the ground that the regularization of the services of the petitioner was after the said date.

Learned counsel for the petitioner argues that as per the settled principle of law settled by the Division Bench of this Court in CWP No. 2371 of 2010 titled as ***Harbans Lal Vs. The State of Punjab***, decided on 31.08.2010, which had already attained finality upto the Hon'ble Sureme Court of India, if an employee was already working on 01.01.2004, he will be governed by the Old Pension Rules, even if, the services of the said employee

have been regularized after coming into force the New Pension Scheme on 01.01.2004. Learned counsel submits that keeping in view the said law, petitioner is entitled for the pension under the Old Pension Scheme.

Learned counsel for the petitioner submits that for the relief, which has been claimed in the present writ petition, the petitioner has sent a representation dated 04.03.2020 (Annexure P-9) bringing to the notice of the respondents the settled principle of law, which representation is still pending consideration with the respondents and petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No. 2 to decide the same by passing appropriate speaking order.

Notice of motion.

Mr. Charanpreet Singh, learned Assistant Advocate General, Punjab, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State and raises no objection in deciding the representation dated 04.03.2020 (Annexure P-9) in a time bound manner by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No. 2 is directed to decide the representation dated 04.03.2020 (Annexure P-9) by passing a speaking order within a period of three months from the receipt of copy of this order.

Present writ petition stands disposed of.

January 22, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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