

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CWP No.2813 of 2021

Date of decision: 09.02.2021

Senior Constable Jaswant Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(Through video conferencing)

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

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

Ms. Sunint Kaur, AAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the grievance which is being raised by the petitioners is that initially the petitioners were asked to join the Contributory Provident Fund Scheme, which has come into operation w.e.f. 1.1.2004 but, later on, the petitioners were found entitled for the pensionary benefits under the Old Pension Scheme keeping in view the law laid down by the Division Bench of this Court in CWP No.2371 of 2010 titled as **Harbans Lal vs. State of Punjab and others.** Learned counsel for the petitioners submits that the contribution, which the petitioners had made under the New Pension Scheme is not being refunded to them by the respondents without any valid justification though, the amount for which,

the petitioners are entitled, has already been calculated. Learned counsel for the petitioners further submits that the similarly situated employees had approached this Court for the release of the amount, which was contributed towards the New Pension Scheme by way of filing a writ petition, which was disposed of by this Court by giving a direction to the respondents to consider the claim of the petitioners therein, in a time bound manner and the similarly situated employees have already been given the benefits and similar benefit is sought by the petitioners in the present writ petition. Prayer of the petitioners is for issuance of a direction to the respondents to consider the claim of the petitioners, which they have already raised vide their legal notice dated 10.11.2020 (Annexure P/6), which is still pending consideration with the respondents in a time bound manner.

Notice of motion.

Ms. Sunint Kaur, AAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State and states that the legal notice dated 10.11.2020 (Annexure P/6) served by the petitioners will be decided in a time bound manner by passing an appropriate speaking order.

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioners, respondents are directed to decide the legal notice dated 10.11.2020 (Annexure P/6) served by the petitioners by passing a speaking order within a period of three months from the date of receipt of a copy of this order. In case after the decision, it is found that the petitioners are entitled for any monetary benefit, the same shall also be released to them within a period of next three

months.

Present writ petition stands disposed of.

February 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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