

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CWP No.5411 of 2021
Date of decision: 08.03.2021

Chanan Singh and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Baljeet Singh Sidhu, Advocate for the petitioners.

Ms. Sunit Kaur, AAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Learned counsel appearing for the petitioners submits that after the services of the petitioners were regularized by the respondents, they were enrolled under the New Pension Scheme, which scheme came into existence w.e.f. 1.1.2004 but, later on as the petitioners were already in service as on 01.01.2004 though, their services were regularized after the said date by applying the settled principle of law settled by the Division Bench of this Court in **Harbans Lal vs. State of Punjab and others 2012 (3) SCT 362**, the petitioners were treated under the Old Pension Scheme but, the amount which the petitioners had deposited under the New Pension Scheme is not being refunded to them by the respondents and that too without any valid justification. Prayer of the petitioners is that a direction be issued to the respondents to refund the amount, which the petitioners had

deposited under the New Pension Scheme.

Learned counsel for the petitioners further submits that for the relief, which is being claimed in the present writ petition, the petitioners have served the respondents with legal notice dated 22.09.2020 (Annexure P/6), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondent No.3 to decide the said legal notice.

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 raises no objection in deciding the legal notice dated 22.09.2020 (Annexure P/6) served by the petitioners in a time bound manner.

In view of the above, without expressing any opinion on the merits of the case or the claim being made by the petitioners, the respondent No.3 is directed to decide legal notice dated 22.09.2020 (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.

Present writ petition stands disposed of.

March 08, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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