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

122 **CWP-10592-2021**
Decided on : 28.06.2021

Urmila Devi & others ... Petitioners

Versus

State of Haryana & others ... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.S.K.Malik, Advocate, for the petitioners.

Ms.Shruti Jain, DAG, Haryana.

(The proceedings are being conducted through video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India, is to the condition in the instructions dated 04.12.2008 (Annexure P-6) whereby the petitioners have been brought within the purview of the Defined Contributory Pension Scheme applicable to the employees of the State Government and have, thus, been kept out of the provisions of the defined benefit of pension and GPF. The cut-off has been fixed to the Government servants joining service, on or after 01.01.2006. Similarly, the notification dated 18.08.2008 (Annexure P-4) has also been challenged whereby the New Pension Scheme has been brought into force to the Government employees joining on or after 01.01.2006.

It is not disputed that the petitioners have joined service after 01.01.2006, between 22.08.2008 to 30.12.2008, as per Annexure P-3 against advertisement No.6/2006 and have been contributing since then. Thus, at that point of time, the notification was already in force. Clause 20 of the same reads as under:

"20. Heads of the Department/Heads of Offices shall get the permanent Pension Account Number from the Accountant General (Accounts and Entitlement) Haryana for all the new Government servants who have already joined the Government service on or after 1st January, 2006 within a month from the date of issue of this notification. New Government servants who join service shall be admitted to this scheme compulsorily by the Heads of the Department/Heads of Offices by promptly applying for allotment of the Permanent Pension Account Number to the Accountant General (Accounts and Entitlement) within a month from the date of joining of the service."

It is pertinent to notice that the present writ petition has now been filed challenging the said cut-off date, after a period of more than 12 years since the date of joining and thus, the writ petition is also barred by the principle of delay and laches apart from the principle of estoppel.

In such circumstances, this Court does not deem it appropriate to exercise its extraordinary writ jurisdiction in the facts and circumstances and the present writ petition is, accordingly, dismissed in limine.

JUNE 28, 2021 **(G.S. SANDHAWALIA)**
sailesh **JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No