

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

111

**Civil Writ Petition No.13272 of 2021 (O&M)
Date of Decision: August 05, 2021**

Pardeep Kumar and others

.....Petitioners.

VERSUS

State of Haryana and others

.....Respondents.

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

Present: Mr. Subhash Ahuja, Advocate
for the petitioners.

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

G.S. SANDHAWALIA, J.(Oral)

The present civil writ petition has been filed under Article 226 of the Constitution of India, whereby the petitioners seek quashing of impugned condition in order dated 04.12.2008 (Annexure P-6), vide which defined contributory pension scheme was introduced by the State of Haryana vide notification dated 18.08.2008 (Annexure P-4) and made applicable with retrospective effect from 01.01.2006.

It is not disputed that petitioners have joined services between 02.04.2007 and 28.02.2009 as per the Chart (Annexure P-3) against advertisement No.6 of 2006 dated 20.07.2006 (Annexure P-1). The cut off date fixed by the State as per Notification (Annexure P-4) is 01.01.2006.

Since at that point of time, notification was already in force, therefore, the

persons, who had joined prior to the date of 18.08.2008, have been contributing to the new pension scheme since then. Clause 20 of the said Notification 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 present writ petition has now been filed, challenging the said cut off date, after a period of more than a decade since the date of joining and contribute, 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.

In another civil writ petition No.10592 of 2021 (*Urmila Devi and others v. State of Haryana and others*) decided on 28.06.2021, the same view was taken. It is a matter to be noticed with great concern that the employees of State of Haryana are raising belated claims and flooding this Court with untenable demands, which it is forced to handle and deal on

the facts and circumstances of the case to the lowly placed employees.

August 05, 2021
Sachin M.

(G. S. SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>