

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

119

CWP No.14096 of 2021

Decided on : 29.07.2021

Bimla Devi

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. A.K. Sharma, Advocate for the petitioner.

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

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Article 226 of the Constitution of India seeks consideration of her claim under the Old Pension Scheme, on the ground that she was appointed prior to 01.01.2006 and that she was ordered to be regularized on 21.12.2005 (Annexure P-2). It is her case that she is serving with the State Government w.e.f. 01.09.1986 and, therefore, is entitled for the benefit of the Old Pension Scheme and New Pension Scheme having been effected from 01.01.2006, vide notification 18.08.2008 with retrospective effect, thus would not be applicable to her.

It is not disputed that the petitioner has been in service on regular basis since the year 2006 and has been contributing her share as per the New Pension Scheme. 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

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CWP No.14096 of 2021

-2-

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 after a period of more than 14 years since the date of joining and thus, is barred by the principle of delay and laches, apart from the principle of estoppel.

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

July 29, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No