

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

CWP-19491-2017

Date of decision: - 21.01.2021

Baljeet Singh and others

....Petitioners

Versus

Punjab State Power Corporation Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rajinder Sharma, Advocate,
for the petitioners.

None for the respondents.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance of the petitioners is that despite the fact that they have rendered the services, which entitled them to the grant of pensionary benefits including the pension, but the benefits of pension are not being allowed to them on the ground that their services were regularized after 01.01.2004 and they will be governed by the New Pension Scheme, under which no pension is available to an employee.

Learned counsel for the petitioners argues that petitioners had joined the respondent-department on work charge basis starting from

the year 1990 and remained in service throughout. Learned counsel for the petitioners further argues that though the services of the petitioners were regularized after 01.01.2004, but keeping in view the settled principle of law laid down by this Court in **CWP No.2371 of 2010** titled as **'Harbans Lal Vs. State of Punjab and others'**, decided on **31.08.2010**, according to which, if an employee was in service as on 01.01.2004 though his/her services were regularized after the said date, will be covered by the Old Pension Scheme for the grant of benefits after retirement and will be entitled for the pensionary benefits and therefore, the action of the respondents for not granting the pensionary benefits to the petitioners is contrary to the settled principle of law.

Learned counsel for the petitioners states that for the relief which has been sought in the present writ petition, petitioners have served respondents with a legal notice dated 05.02.2017 (Annexure P-7), 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 respondents to decide the said legal notice by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioners, the respondents are directed to decide the legal notice dated 05.02.2017 (Annexure P-7) by passing a speaking order within a period of three months from the date of receipt of copy of this order. In case, the petitioners are found entitled to the pension keeping in view the settled principle of law in **Harbans Lal case (supra)**, the benefits along with the

arrears be also released to them within a period of next three months.

Present writ petition stands disposed of.

January 21, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No