

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 6226 of 2022 (O&M)

Date of Decision:28.03.2022

Suresh Chand and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Bishan Dass Rana, Advocate
for the petitioners.

Mr. Harish Nain, AAG., Haryana.

LISA GILL, J(Oral).

Petitioners in this writ petition seek to be covered under the Old Pension Scheme and pensionary benefits thereunder instead of being covered under the New Restructured Defined Contributory Pension Scheme.

Learned counsel for the petitioners submits that petitioners had joined services of the respondent-Department on part time/ daily wage basis on different dates between the years 1998 to 2001, though their services were regularized after 01.01.2006, as are detailed in Annexure P-1. It is submitted that the New Restructured Defined Contributory Pension Scheme has been incorrectly made applicable to the petitioners merely on the ground that their services were regularized subsequent to 1st of January, 2006. For the relief claimed in this writ petition reliance is placed on decisions in CWP-2371-2010, CWP-1216-2011 as well as CWP-1432-2012. Learned

counsel for the petitioners further submits that benefit has been afforded to a number of similarly situated employees as the petitioners, who had joined service prior to 01.01.2006 but were regularized after the said date. In this respect the petitioners, it is contended have submitted representations but to no avail. Legal notice dated 19.08.2021 was also served upon the respondents but no decision has been taken thereon.

At this stage, learned counsel for the petitioners restricts his prayer for a decision on the legal notice dated 19.08.2021 (Annexure P-12), in a time bound manner.

Notice of motion.

Mr. Harish Nain, AAG., Haryana, accepts notice on behalf of all the respondents. Advance copy of the writ petition stands served. Learned counsel for the State does not raise any serious objection to the restricted prayer addressed.

Keeping in view the facts and circumstances of the case, but without any expression of opinion on the merits of the controversy, this writ petition is disposed of with a direction to the competent authority to decide petitioners' legal notice dated 19.08.2021 (Annexure P-12), within a period of four months from receipt of certified copy of this order.

28.03.2022
s.khan

[LISA GILL]
Judge

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