

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120)

CWP-10337-2022

Date of Decision : May 16, 2022

Madan Lal and others

.. Petitioners

Versus

Union of India and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kanav Singla, Advocate, for
Mr. Rose Gupta, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioners argues that in the present case, the petitioners' services were regularized by the respondents after 01.01.2006 and the respondents are making New Contributory Provident Fund Scheme applicable upon the petitioners though, as per the judgment of this Court in *CWP No.2371 of 2010 titled as Harbans Lal Vs. State of Punjab and others, decided on 31.08.2010*, any employee, who was in service on the day when the New Contributory Provident Fund Scheme came into being, will be entitled for the benefit under the Old Pension Scheme even if the services of the said employee were regularized after 01.01.2006. Learned counsel for the petitioners submits that keeping in view the judgment of *Harbans Lal's case (supra)*, the respondents are under obligation to grant the petitioners the benefit under the Old Pension Scheme.

Learned counsel for the petitioners further submits that the petitioners have already raised the said grievance before the respondents by serving upon them legal notices dated 19.07.2019 (Annexure P-9), 03.06.2021 (Annexure P-10), 20.01.2021 (Annexure P-11 & Annexure P-12) respectively, which are still pending consideration with the respondents and the petitioners will be satisfied at this stage, in case a time bound direction is issued to respondent No.3 to decide the said legal notices by passing an appropriate speaking order.

Notice of motion.

Mr. Raman Kumar Sharma, learned Additional Advocate General, Haryana who is present in the Court, accepts notice on behalf of the respondents No. 2 and 3.

Learned counsel for the respondents raises no objection in deciding the legal notices dated 19.07.2019 (Annexure P-9), 03.06.2021 (Annexure P-10), 20.01.2021 (Annexure P-11 & Annexure P-12) respectively in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the legal notices dated 19.07.2019 (Annexure P-9), 03.06.2021 (Annexure P-10), 20.01.2021 (Annexure P-11 & Annexure P-12) respectively, the present writ petition is disposed of with a direction to respondent No.3 to decide the legal notices dated 19.07.2019 (Annexure P-9), 03.06.2021 (Annexure P-10), 20.01.2021 (Annexure P-11 & Annexure P-12) respectively within a period of eight weeks from the receipt of copy of

this order.

In case, it is found that the petitioners are entitled for the monetary benefits after the decision of the legal notices, the same should also be paid to the petitioners within four weeks thereafter.

May 16, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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