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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21569-2023 (O&M)
Date of Decision: 10.10.2023

Harcharan Singh and others

. . . . Petitioners

Vs.

Guru Nanak Dev University and another

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Amarjit Singh, Advocate, for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioners by way of this writ petition have prayed to count the service rendered prior to 2005 for the purpose of pension, and accordingly treat the petitioners to be entitled to the Old Pension Scheme instead of New Pension Scheme which has become effective from 01.01.2004.
2. Brief facts which the petitioners have stated are that the petitioners were appointed as peons on ad hoc basis for 89 days on 02.07.2003, and from 13.07.2005, they were appointed on temporary basis against vacant post, therefore, prior to 2005, they were already in service and the Old Pension Scheme, which was available at that time when they were appointed for 89 days, should be applied.
3. Learned counsel for the petitioners submits that the case of the petitioners is covered by judgment passed by this Court in *Union of India and others vs. Neelam Aggarwal and others in CWP-26482-2018, decided on 22.10.2018.*

4. Learned counsel submits that the petitioners cannot be treated as fresh appointees and therefore they would be entitled to the Old Pension Scheme.
5. I have considered the submissions.
6. This Court finds that the facts of the present case are totally distinctive to the case cited at bar by the learned counsel. The petitioners were appointed for a fixed period of 89 days in 2002 and 2003 as mentioned in the writ petition. The petitioners were again appointed on ad hoc basis vide order dated 13.07.2005 and were paid minimum of the scale of the said post. They were regularized and appointed on probation basis w.e.f. 18.01.2008 and have continued since then. Thus, the period of ad hoc service has to be counted from 13.07.2005 and not from 2003 as urged by the learned counsel. The ad hoc appointment being from 13.07.2005 obviously brings them out from the Old Pension Scheme since the New Pension Scheme was brought into force from 01.01.2004.
7. On facts, the case of the petitioners is distinguishable to that of the judgment rendered in *Union of India and others vs. Neelam Aggarwal and others* (supra), where the ad hoc appointment in PGIMER of the concerned lecturers was from 12.06.1996 and continued. Subsequently, they were selected on regular basis on 21.12.2005 and onwards. Considering their previous service rendered with the PGIMER, they were given the benefit. Each case has to be therefore considered on its own facts.
8. Accordingly, this Court does not find the present case to be a fit case where the benefit of Old Pension Scheme should have been granted to the

petitioners who were actually appointed on ad hoc basis in 2005 and regularized in the year 2008 and placed on probation thereafter.

- 9. Writ Petition is accordingly *dismissed*.
- 10. All pending applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

October 10, 2023
Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |