

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CWP-458-2024

Date of Decision :11.01.2024

Umesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vishal Nehra, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance of the petitioner is that the earlier service rendered by the petitioner prior to his regularization starting from 11.03.1991 to 04.04.2007 is liable to be counted as qualifying service for computing the pensionary benefits of the petitioner keeping in view the settled principle of law settled by the Division Bench of this Court in **CWP-2371-2010 titled as Harbans Lal vs. State of Punjab and others, decided on 31.10.2010**, which judgment has already attained finality up to the Hon'ble Supreme Court of India, according to which, an employee, who was already in service on the date when the New Pension Scheme was framed, will be governed by the Old Pension Scheme and not by New Pension Scheme and hence, the petitioner is entitled for the grant of the said benefit by taking into account his total length of service including the temporary service rendered by the petitioner from 11.03.1991 to 04.04.2007

2. Learned counsel for the petitioner submits that the petitioner has already raised the said grievance before the respondents by way of

submitting a representation, which has been appended with the present petition as Annexure P/9, which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

3. Notice of motion.

4. Mr. Harish Nain, AAG, Haryana accepts notice on behalf of the respondent-State and submits that in case the representation, which has been appended with the present petition as Annexure P/9, has been received from the petitioner and is still pending consideration with the respondents, the same will be decided by the respondents in accordance with law and an appropriate order will be passed within a period of 08 weeks from the date of receipt of copy of this order and in case after the decision, the petitioner is found entitled for any relief, the same will be extended to him within a further period of 04 weeks.

5. Learned counsel for the petitioner submits that keeping in view the statement of the learned counsel for the respondents, present petition may kindly be disposed of having been not pressed any further.

6. Ordered accordingly.

January 11, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No