

CWP-3451-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CWP-3451-2024  
Date of Decision: 16.02.2024

Piara Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jasbir Singh Mohri, Advocate for the petitioner  
Mr. Aman Dhir, Deputy Advocate General, Punjab  
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JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking directions to the respondents to grant benefit of Old Pension Scheme.
2. The husband of the petitioner joined Punjab Police in 1992. He, on 02.02.2003, while in service passed away. The petitioner made a representation to the respondents to grant her compassionate appointment. Director General of Police, Punjab vide communication dated 17.02.2004 (Annexure P-2) asked the Principal Secretary, Government of Punjab, Department of Home Affairs & Justice to refer her case for enrollment as Clerk on priority basis. She ultimately came to be appointed on the post of Clerk w.e.f. 10.04.2006. She was extended benefit of New Pension Scheme which was applicable w.e.f. 01.01.2004.

3. Mr. Jasbir Singh Mohri, Advocate submits that husband of petitioner passed away prior to December' 2003 and her case was principally accepted in February' 2004, thus, she is entitled to benefit of Old Pension Scheme instead of New Pension Scheme.

In support of his contention, he relies upon judgment dated 10.08.2016 passed by a Coordinate Bench of this Court in ***Sukdev Singh v. State of Punjab, 2017 (1) SCT 193.***

4. Mr. Aman Dhir, learned State counsel submits that petitioner was appointed on 10.04.2006 on compassionate ground. No selection process was followed. The petitioner could have a case had the appointment letter been issued after 31.12.2003 and the entire selection process completed before the said date. The case of petitioner is entirely different from the case of ***Sukhdev Singh (supra).***

5. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

6. The petitioner is primarily relying upon judgment of ***Sukhdev Singh (supra)***. In the said case, the Court has simply directed the authorities to consider legal notice of the petitioner therein. The Court has not expressed its opinion on merits, thus, the said order, in no way, can help the petitioner. It cannot be treated as precedent.

7. The petitioner was appointed on compassionate ground and her date of appointment is 10.04.2006. The cut-off date for New and Old Pension Scheme was 31.12.2003. The petitioner, from 2006 to 2023, continued to

contribute in the New Pension Scheme and during this long period, she never raised any grievance. The petitioner has retired in 2023 and after retirement, she has raised her grouse. The petitioner, by her act and omissions, acquiesced to the scheme of the respondent. She, at this belated stage, cannot turn around. There is no explanation for delay of 17 years.

8. In the wake of above discussions and findings, this Court is of the considered opinion that present petition deserves to be dismissed on the ground of delay as well as merits. Accordingly dismissed.

(JAGMOHAN BANSAL)  
JUDGE

16.02.2024  
Mohit Kumar

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |