

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

124

CWP-8306-2024
Date of decision: 22.04.2024

Sandeep Kaur
.....Petitioner
Versus
State of Punjab and others
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

AMAN CHAUDHARY. J (Oral)

1. The prayer made in the present petition is for directing the respondents to bring the petitioners under GPF scheme instead of New Defined Contributory Pension Scheme and to transfer the amount deposited in Contributory Pension Scheme 2004 to the GPF Scheme.
2. Learned counsel would submit that the service rendered by the petitioner on daily wage basis from 26.06.2002, prior to his regularization on 26.05.2006, has not been counted as qualifying service for Old Pension Scheme, despite his case having been covered by the judgment of Division Bench of this Court in **Harbans Lal vs. State of Punjab and others**, CWP-2371-2010, decided on 31.08.2010, which has been upheld upto the Hon'ble Supreme Court. In this regard, a representation dated 25.09.2019, Annexure P-10, has been submitted by her, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to respondent No.2 to decide the same in a time bound manner by granting her an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. Gagneshwar Walia, Addl. A.G., Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
5. In view of the above and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondent No.2 to decide the representation dated 25.09.2019, Annexure P-10, within a period of six months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to her and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to their interest, the same shall contain reasons and the petitioner shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

22.04.2024
Hemant

Whether speaking/reasoned

Whether reportable

: Yes / No

: Yes / No