

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.475 of 2023 (O&M)

Date of Decision: **29.02.2024**

1. Letters Patent Appeal No.475 of 2023 (O&M)

The Commissioner, Municipal Corporation, PathankotAppellant
versus
Sunil Kumar and othersRespondents

2. Letters Patent Appeal No.204 of 2023 (O&M)

Nagar Council, Dhanaula, BarnalaAppellant
versus
Jitpal Singh and othersRespondents

3. Letters Patent Appeal No.497 of 2023 (O&M)

The Commissioner, Municipal Corporation, PathankotAppellant
versus
Baldev Singh and othersRespondents

4. Letters Patent Appeal No.498 of 2023 (O&M)

The Commissioner, Municipal Corporation, AmritsarAppellant
versus
Dev Raj and othersRespondents

5. Letters Patent Appeal No.500 of 2023 (O&M)

The Commissioner, Municipal Corporation, AmritsarAppellant
versus
Harpreet Singh and othersRespondents

6. Letters Patent Appeal No.501 of 2023 (O&M)

The Commissioner, Municipal Corporation, AmritsarAppellant
versus
Lakhwinder Singh and othersRespondents

7. Letters Patent Appeal No.503 of 2023 (O&M)

The Commissioner, Municipal Corporation, AmritsarAppellant
versus
Vijay Kumar and othersRespondents

8. Letters Patent Appeal No.513 of 2023 (O&M)

The Commissioner, Municipal Corporation, AmritsarAppellant
versus
Vijay Kumar and othersRespondents

9. Letters Patent Appeal No.514 of 2023 (O&M)

The Commissioner, Municipal Corporation, AmritsarAppellant
versus
Khushwinder Singh and othersRespondents

10. Letters Patent Appeal No. 517 of 2023 (O&M)

The Commissioner, Municipal Corporation, AmritsarAppellant
versus
Kulwant Singh and othersRespondents

11. Letters Patent Appeal No.520 of 2023 (O&M)

The Commissioner, Municipal Corporation, AmritsarAppellant
versus
Dharminder Singh and othersRespondents

12. Letters Patent Appeal No.531 of 2023 (O&M)

The Commissioner, Municipal Corporation, AmritsarAppellant
versus
Tarsem Singh and othersRespondents

13. Letters Patent Appeal No.534 of 2023 (O&M)

The Commissioner, Municipal Corporation, AmritsarAppellant
versus
Nagendra Parshad and othersRespondents

14. Letters Patent Appeal No.994 of 2023 (O&M)

Municipal Corporation, SAS Nagar, MohaliAppellant
Versus
Lakhwinder Singh and othersRespondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI, JUDGE

Present : Mr. Sanjeev Soni, Advocate and
Mr. Sarthak Soni, Advocate, for the appellants.

Mr. Savreet Singh Brar, Advocate with
Mr. Ajay Jain, Advocate, for the appellant in LPA-204-2023.

None for the appellant in LPA No. 994 of 2023.

Mr. Jasbir Singh Mohri, Advocate, for respondent No.1 in LPA Nos. 497, 500, 501, 503, 513, 514, 517, 520, 531 and 534 of 2023.

Mr. Salil Sabhlok, Sr. Deputy Advocate General, Punjab.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (oral)

This order shall dispose of all the Letters Patent Appeals as the common question of law and facts involved in the same. The facts are taken from Letters Patent Appeal No. 475 of 2023 (The Commissioner, Municipal Corporation, Pathankot vs. Sunil Kumar and others).

2. The present Letters Patent Appeals seek consideration of the order dated 20.02.2023 passed by the learned Single Judge in Civil Writ Petition No. 26858 of 2017 which was decided along with a bunch of cases being lead case (*Heera Singh vs. State of Punjab and others*). The said view was thereafter followed by the same learned Single Judge on 27.02.2023 wherein he decided bunch of 12 cases lead cases of which was Civil Writ Petition No. 27000 of 2017 (*Tarsem Singh vs. State of Punjab and others*). In LPA No. 204 of 2003 reliance was placed upon pendency of LPA No. 666 of 2022 while notice of motion was issued.

3. In principle, the learned Single Judge by first judgment dated 20.02.2023 allowed a bunch of 19 writ petitions granted the benefits to the employees by holding that they were entitled to be governed by the Old Pension Rules and the Contributory Pension Fund Scheme would not be applicable to them. The said judgment was primarily based on the judgment passed by a Coordinate Bench of this Court in *Harbans Lal vs. State of Punjab and others 2012(3) SCT 362* which was upheld by the Apex Court in Special Leave Petition No. 23578 of 2012 on 04.11.2015. The net result was that by counting the daily wage services towards qualifying service for pension and after on account of getting regularization the employees were held to be entitled for the benefits granted prior to 01.01.2004.

4. The judgment rendered in Civil Writ Petition No. 26858 of 2017 (*Heera Singh vs. State of Punjab and others*) was the subject matter in Letters Patent Appeal No. 509 of 2023 ***Commissioner, Municipal Corporation, Amritsar vs. Heera Singh and others*** which was disposed of in terms of the orders passed in Letters Patent Appeal No. 666 of 2022 (*Municipal Corporation, Qadian vs. Musthaq Masih and others*) decided on 21.12.2023. The judgment rendered in *Municipal Corporation, Qadian vs. Musthaq Masih and others* was accordingly upheld by Justice Ritu Bahri, the then Acting Chief Justice of this Court on 21.12.2023 and also being the original author of the judgment delivered in *Harbans Lal vs. State of Punjab and others* (supra).
5. The consequent judgment rendered by the learned Single Judge in Civil Writ Petition No. 27000 of 2017 (*Tarsem Singh vs. State of Punjab and others*) out of which 11 other appeals arise out is also based on the facts of the judgment rendered in Civil Writ Petition No. 26858 of 2017 (*Heera Singh vs. State of Punjab and others*), which as noticed above has already been upheld.
6. In view of the above facts and circumstances, we do not find any ground as such to interfere in the judgment rendered by the learned Single Judge. Accordingly, the appeals filed by the appellants stand dismissed. Pending applications, if any, also stand disposed of.

A copy of this order be placed in the connected files.

(G.S.SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

29.02.2024

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Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No