

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11000 of 2020 (O&M)
Date of decision: 14.02.2024

Mohinder Singh and others
.....Petitioners
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. V.K. Shukla, Advocate for the petitioners.
Mr. Jai Narain, AAG, Punjab for respondents No.1 to 3.
Mr. Parminder Singh, Advocate for respondents No.4 & 5.

NAMIT KUMAR J. (Oral)

1. The petitioners have filed the instant writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari/mandamus directing the respondents to count the services of the petitioners rendered by them before regularization under Old Pension Scheme instead of New Defined Contributory Pension Scheme from the date of their initial appointment, which is prior to 01.01.2004 so that they be held entitled to receive pensionary/retiral benefits as per the Old G.P.F. Scheme.
2. Learned counsel for the petitioners submits that present writ petition is squarely covered by a Division Bench judgment of this Court in case titled as *‘Harbans Lal Vs. State of Punjab and others’*, passed in **CWP No.2371 of 2010**, decided on 31.08.2010, which has been upheld by the Hon’ble Supreme Court and even the review filed by the State has been dismissed. Thereafter, another Division Bench

judgment of this Court also squarely covers the case of the petitioners passed in LPA No.666 of 2022 and other connected appeals, titled as ‘*Municipal Council, Qadian Vs. Musthaq Masih and others*’, decided on 21.12.2023, which has been followed in CWP No.16147 of 2023 and other connected cases, titled as “*Surjit Singh vs State of Punjab and others*”, decided on 30.01.2024.

3. Learned counsel for the respondents could not dispute the abovesaid legal position, despite their best efforts.
4. Consequently, the instant writ petition is allowed in terms of the judgment passed in CWP No.16147 of 2023 and other connected cases titled as “*Surjit Singh vs State of Punjab and others*”.

14.02.2024

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(NAMIT KUMAR)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No