



**CM-11500-CWP-2024 in/and
CWP-10618-2024**

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

(112)

**CM-11500-CWP-2024 in/and
CWP-10618-2024
Date of Decision : July 30, 2024**

Ravinder Kaur and another

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ranjivan Singh, Advocate, with
Ms. Kanika Toor, Advocate and
Mr. Risham Raag Singh, Advocate, for the petitioners.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

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Present application has been filed for disposal of the main writ petition in view of the judgment passed in ***CWP No.18043 of 2018 titled as Hitesh Kumar and others vs. State of Haryana and others, decided on 18.11.2022.***

Notice of the application to the counsel opposite.

Mr. Arun Gupta, learned Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as made in the present application.



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Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and on joint request of learned counsel for the parties, the hearing of the main writ petition is preponed from 19.10.2024 to today.

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1. In the present writ petition, the grievance being raised by the petitioners is that the petitioners' appointment in service was prior to the imposition of New Contributory Pension Scheme which came into effect on 01.01.2004, but only posting was ordered after 01.01.2004 hence, keeping in view the settled principle of law settled by this Court in ***CWP No.18043 of 2018 titled as Hitesh Kumar and others vs. State of Haryana and others, decided on 18.11.2022***, the petitioners are entitled to be considered under the Old Pension Scheme.

2. Learned counsel for the petitioners submits that the grievance raised in the present petition has already been raised by the petitioners in the representation dated 24.08.2009 (Annexure P-12) which is still pending consideration with the respondents and the petitioners will be satisfied at this stage in case a time bound direction is issued to the respondents to decide the claim of the petitioners for considering them under the Old Pension Scheme keeping in view the judgment of this Court in ***Hitesh Kumar's case (supra)***.

3. Learned counsel for the respondents submits that appropriate order on the representation of the petitioners will be passed within a period of eight weeks of the receipt of copy of this order and in case, it is found



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that keeping in view the settled principle of law in *Hitesh Kumar's case (supra)* coupled with the facts of the present case, the petitioners are entitled to be considered under the Old Pension Scheme, appropriate order will be passed granting them relief and in case, the relief is not granted, due reasons will be mentioned in the speaking order to be passed for not accepting the claim of the petitioners for their information and necessary action.

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

5. Ordered accordingly.

July 30, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No