

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

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CWP-16286-2019 (O&M)
Date of decision: 06.05.2024

Harpreet Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sher Singh, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The prayer made in the present petition is for quashing the impugned order dated 20.03.2019, Annexure P-1, wherein the petitioner was denied benefits under the Old Pension Scheme, despite the fact that he was shown as selected in the result published on 24.09.2003 and issued an appointment letter dated 26.12.2003. However, the same was neither dispatched to him nor the DEO (S) Patiala by the DPI Office, due to administrative lapse, as a result of which fresh appointment letter was issued on 27.09.2004, whereupon he joined on 10.11.2004. This issue already stands decided by the Division Bench of this Court in **State of Punjab and another vs. Rupinder Pal and others**, LPA-108-2012, decided on 08.11.2012, Annexure P-16, the relevant portion thereof reads thus:

“All these persons were, thus, appointed which included the respondents as well on the basis of selections made in the year 2001, though these appointments were given after 2004. A significant development took place, in the meantime, which gave rise to fresh grievance to such appointees. It was the enforcement of the Contributory Pension Fund Scheme dated 22.03.2004, which was made effective from 01.01.2004. With the introduction of this

scheme, old pension scheme was replaced by 'New Defined Contribution Pension Scheme'.

In these circumstances, the question arose as to whether these persons, who were appointed on the basis of selections made in the year 2001, though after 2004, would be governed by the old scheme or they were not to be governed by the new scheme made applicable from 01.01.2004. This very issue was decided by a Single Bench of this Court in its judgement dated 12.05.2009 in Civil Writ Petition No. 20501 of 2008, titled as **Parveen Kumar and another Vs State of Punjab and others**. That judgement is accepted by the appellants and benefit to the petitioners in the said petition is given, as per which, they are entitled to be covered by the old. Pension Scheme.

The respondents herein filed Civil Writ Petition No. 1244 of 2011, seeking similar benefit, which has been allowed by the learned Single Judge vide impugned order dated 06.05.2011, holding that the matter is squarely covered by judgement dated 12.05.2009. The order of the learned Single Judge further reveals that this was the position which was agreed to by counsel for both the parties. Notwithstanding the same, present appeal is filed by the State and the submission is that the matter is not covered by the judgement dated 12.05.2009 and concession was wrongly given by the counsel for the State before the learned Single Judge.

The only distinguishing feature, which is sought to be projected is that in the appointment letters issued to the respondents herein, it was specifically mentioned that they were governed by the New Defined Contribution Pension Scheme. This is hardly a ground on the basis of which the respondents can be given different treatment than their counter-parts, who were the selectives of 2001, when the benefit of old pension scheme is given by the State itself to all other persons. The facts of the case of these respondents as well as the petitioners who are parties in Civil Writ Petition No. 20501 of 2008 decided on 12.05.2009 are identical, but such a benefit is denied to the respondents. Merely by making such a stipulation in the appointment letters, this benefit cannot be snatched away from them. We are, thus, of the opinion that the learned Single Judge rightly held that the matter is covered by the judgement dated 12.05.2009 passed in Civil Writ Petition No. 20501 of 2008, titled as **Parveen Kumar and another Vs State of Punjab and others**.

Finding no merit in this appeal, the same is dismissed.”

2. Learned State counsel despite his best efforts has been unable to controvert the factual position and draw out any distinctive aspects in the

aforementioned judgment or cite any contrary law.

3. In view of the aforesaid, the present petition is disposed of in terms of the judgment passed in **Rupinder Pal** (supra).

(AMAN CHAUDHARY)
JUDGE

06.05.2024

Hemant

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