

2024:PHHC:032193

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.12929 of 2023 (O&M)
Date of decision: 06.03.2024

Dee Cee Singh and another
.....Petitioners
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Narender Kaur, Advocate for the petitioners.

Mr. Rajesh Sehgal, Addl. A.G., Punjab
for respondents No.1 and 2.

Mr. J.S. Toor, Advocate for respondents No.3 to 5.

NAMIT KUMAR J. (ORAL)

CM-3365-CWP-2024

Prayer in this application filed under Section 151 CPC is
for seeking an urgent hearing in the main writ petition.

Heard.

For the reasons stated in the application, which is
supported by an affidavit, the same is allowed and the main case is
taken up for hearing today itself.

CWP No.12929 of 2023 (O&M)

1. The petitioners have approached this Court by filing the
instant petition under Articles 226/227 of the Constitution of India,
seeking a writ of mandamus, directing the respondents to grant the
benefits of past service rendered by the petitioners on daily
wage/contract basis and further to grant the benefit of Old Pension

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Scheme, which was in existence prior to 01.01.2004 as per Punjab Municipal Employees Pension and General Provident Fund Rules, 1994, and grant them pension on their retirement with all consequential benefits in view of the law laid down by this Court in CWP No.2371 of 2010, titled as Harbans Lal vs State of Punjab, decided on 31.08.2010 (Annexure P-8), which was upheld by the Hon'ble Supreme Court in SLP (C) No.23578 of 2012, with a further direction to the respondents to consider the petitioners in regular service from the date of their appointment after counting their entire service rendered by them on daily wage service or contract base service and grant them the benefits of past services along with consequential benefits and further to issue directions to respondent No.2 to decide the representation dated 10.03.2023 (Annexure P-16) submitted by the petitioners.

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.

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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*”.

(NAMIT KUMAR)
JUDGE

06.03.2024
yakub

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