

CWP-15390-2020 and
other connected matter 1

2024:PHHC:072863



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

234 (2 cases)

CWP-15390-2020

Date of Decision : 22.05.2024

HARPAL SINGH AND ANR

... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

2.

CWP-17671-2022

JASKARAN SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.R.K.Arora, Advocate
for the petitioner(s) in
CWP-15390-2020 and CWP-17671-2022.

Ms. Anu Chatrath, Addl.A.G., Punjab.

Mr. H.S.Jugait, Advocate
for respondent No.4 in CWP-15390-2020.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, CWP-15390-2020 and CWP-17671-2022 are disposed of as issues involved and prayer sought in both the



petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from CWP-15390-2020.

2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of memo dated 07.05.2018 (Annexure P-10) whereby their claim for old pension scheme has been declined.

3. Mr. R.K. Arora, Advocate submits that petitioners joined Punjab Home Guards on 04.06.1990. Their services were dispensed with w.e.f. 31.08.1994. They unsuccessfully approached this Court and thereafter approached the Hon'ble Supreme Court. By order dated 31.03.1999, their petition was disposed of by Supreme Court with a direction to respondents to consider them on priority basis and grant age relaxation. The respondents from time to time made appointments but did not consider them. They came to be finally appointed on 23.12.2011 (Annexure P- 7). They are entitled to Old Pension Scheme because they were originally appointed prior to 2004.

The respondent has issued notification dated 18.11.2022 whereby all the employees of the State Government have been made eligible to Old Pension Scheme. The respondent has further granted benefit of Old Pension Scheme to similarly situated employees.

4. Ms. Chatrath submits that detailed scheme and SOP to operationalise notification dated 18.11.2022 is yet to be issued. As and

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when SOP would be issued, the claim of the petitioners would be re-considered.

5. Mr. Arora submits that claim of the petitioners, not only in the light of aforesaid notification but also judgment of this Court in Sukhdev Singh vs. State of Punjab and others, CWP No.1269 of 2017, decided on 05.03.2020, should be re-considered.

7. Without commenting upon the merits of the case, both the petitions are hereby disposed of with a direction to the respondents to re-consider case of the petitioners within three months from the date of implementation of notification dated 18.11.2022. It is made clear that respondent apart from notification dated 18.11.2022 would consider judicial precedents.

(JAGMOHAN BANSAL)
JUDGE

22.05.2024
anju

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>