



CWP-14469-2024

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

CWP-14469-2024

Date of Decision: 01-07-2024

SHAMSHER SINGH**.....Petitioner****Versus****STATE OF PUNJAB AND ORS.****.....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present:- Mr. Sunny Kumar Singla, Advocate
 for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, grievance being raised by the petitioner is that the impugned order dated 09.05.2024 (Annexure P-1), which has been passed by the authorities concerned to deny the petitioner the benefit of pension under the Old Pension Scheme, has been passed on the ground that the petitioner was working on part-time basis and not on daily-wage basis.

Learned counsel for the petitioner submits that as per the judgment of this Court in *CWP No.10238 of 2017 “Jeewan Lata Vs. State of Punjab and Ors.”* decided on 10.05.2019, the part-time service rendered by an employee for number of years is to be treated as a valid service so as to be taken into account for computing the pensionary benefits, which judgment has not been taken into account while denying the petitioner the benefit of Old Pension Scheme keeping in view the judgment of the Division Bench of this Court in in CWP No.2371 of 2010



decided on 31.08.2010 titled as “*Harbans Lal Vs. The Sate of Punjab and others*”.

Notice of motion.

Mr. Charanpreet Singh, AAG Punjab appears and accepts notice on behalf of the respondent-State.

Learned State counsel submits that he has instructions from Mr. Harpinder Singh, DEO, Ludhiana to say that the impugned order dated 09.05.2024 (Annexure P-1) be treated as being withdrawn with liberty to pass a fresh order by taking into consideration the judgment of this Court in *Jeewan Lata (supra)*. Learned State counsel further submits that the said appropriate order will be passed within a period of 8 weeks of the receipt of copy of this order. Learned State counsel further submits that in case, it is found feasible to accept the claim of the petitioner, the same will be accepted, otherwise due reasons will be mentioned for not accepting the claim of the petitioner in the speaking order to be passed.

Learned counsel for the petitioner submits that as the impugned order has been withdrawn with liberty to pass a fresh one, hence, the present petition may kindly be disposed of as having been not pressed any further.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

01.07.2024
Sapna Goyal

Whether speaking/reasoned : Yes
Whether Reportable : No