

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105+230-2 cases

CWP-16557-2016 (O&M)
Date of decision: 12.03.2024

Salwinder

....Petitioner

Versus

State of Punjab and others

...Respondents

CWP-17474-2017 (O&M)

Jaswinder Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Manpreet Singh, Advocate for
Mr. P.S. Khurana, Advocate for the petitioner(s).

Mr. Charanpreet Singh, AAG, Punjab.

AMAN CHAUDHARY. J.

CM-4386-CWP-2019 in CWP-16557-2016

For the reasons mentioned in the application, the same is allowed.

Annexure P-9 is taken on record subject to all just exceptions.

Main Case(s)

1. This common order shall dispose of the above petitions as they involve the same issue.
2. The prayer in the present petitions filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, for directing the respondents to grant the regular pay scale and other allowances w.e.f. 10.06.2023, and further for quashing the condition of the applicability of new contributory pension scheme qua the petitioners and also directing the

respondents to consider their claim for pension and other benefits as regular employees.

3. Learned counsel would submit that his case is for the grant of benefits arising out of regularization inasmuch as for old pension scheme and to treat the service prior to regularization as qualifying service towards old pension scheme. He relies on the judgments of this Court in **Harbans Lal vs. The State of Punjab and others**, 2012(3) SCT 362 and LPA-666-2022, titled as **Municipal Council, Radian vs. Musthaq Masih and others**, decided on 21.12.2023. He on instructions prays, that the petitioners would be satisfied, in case a time bound direction is given to the respondents to consider their claim, keeping in view the aforesaid judgments.

4. Learned State counsel has no objection to the limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider and decide their claims, by taking into account the aforesaid judgments, within a period of 6 months and if found entitled, necessary benefit be granted to the petitioners forthwith.

6. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

12.03.2024
Hemant

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