



CWP-16579-2018 (O&M) -1-
CWP-17972-2022 (O&M)

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

220 (02 cases)

**CWP-16579-2018 (O&M)
Date of Decision :27.11.2024**

Nirmal Kumari and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CWP-17972-2022 (O&M)

Parmjeet Kaur and others

...Petitioners

Versus

State of Punjab and anohter

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nitin Sherawal, Advocate with
Mr. Satish Goel, Advocate for the petitioners.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

In the present petitions, claim of the petitioners is that the services which the petitioners had rendered as Anganwari Workers prior to their regular appointment as Supervisor be taken into account for the grant of pensionary benefits, which benefit is not being granted by the respondents.



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Learned counsel for the petitioners submits that the petitioners were appointed as Anganwari Workers with the State of Punjab on daily wage basis and while working on the said post, the posts of supervisor were advertised by the respondents in the year 2014 and the petitioners got selected on the said post of Supervisor by way of direct recruitment, on which post they continued working. Though, the petitioners were appointed on the said post of Supervisor in the year 2014 but they are claiming benefit of the Old Pension Scheme by placing reliance upon the judgment of the Division Bench of this Court in **CWP-2371-2010, titled as, Harbans Lal vs. State of Punjab and others, decided on 31.08.2010.**

Upon notice of motion, the respondents have filed reply wherein, it has been stated that in the present petitions, the petitioners have never worked on the post of Supervisor prior to their regular selection as Supervisor in the year 2014 and once, the petitioners competed for the post of Supervisor and they were freshly recruited in the year 2014 with a specific condition that they will be governed by the New Defined Contributory Pension Scheme, the claim of the petitioners that they should be treated under the Old Pension Scheme is liable to be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The claim of the petitioners is that the petitioners be treated as deemed to be in service as on 01.01.2004 so as to grant them the benefit of the judgment in the case of **Harbans Lal (supra).**

It is a conceded fact that initially the petitioners were working on the post of Anganwari Worker and that too on temporary basis. The



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petitioners were only selected on the post of Supervisor by way of direct recruitment after undergoing a selection process in the year 2014. In the year 2014, the Old Pension Scheme was not applicable as the same stood abolished with effect from 01.01.2004.

The claim of the petitioners that their claim is covered by the judgment in the case of **Harbans Lal (supra)** is not made out. It is not the case that the petitioners were working on the post of Supervisor prior to 01.01.2004 and their services were regularized after the said date. In the present case, the petitioners were selected on the post of Supervisor by way of direct recruitment in the year 2014, which post is totally different from the post of Anganwari Worker on which post, the petitioners worked on daily wage basis hence, the petitioners cannot claim benefit of the judgment in the case of **Harbans Lal (supra)** .

Keeping in view the facts and circumstances recorded hereibefore, no ground for interference by this Court is made out and the present petitions are accordingly dismissed.

Civil miscellaneous application pending, if any, is also disposed of.

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

November 27, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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