



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-16067-2024
Decided on : 16.07.2024

Raman Kumar
Versus
The State of Punjab and others
... Petitioner(s)
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Krishan Kumar Thakur, Advocate
for the petitioner(s).

Mr. Aman Dhir, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. By way of present writ petition, petitioner – Raman Kumar, has prayed for issuance of direction to the respondents to count the service rendered by the petitioner as Special Police Officer (SPO), as qualifying service for all intents and purposes, including grant of all service benefits as well as qualifying service for the purpose of pensionary benefits.
2. Mr. Krishan Kumar Thakur, Advocate for the petitioner submits that during the time of extreme terrorism in the State of Punjab, Director General of Police, Punjab Police – respondent No.2, issued the standing order for making the appointments to the post of SPOs, as envisaged under the Police Act, 1861. The standing order further gave an incentive of absorption of such SPOs as constables. Following the said standing orders, total about 9160 SPOs were appointed in the State of Punjab. By following the circular dated 19.11.1991, all such SPOs posted in the State of Punjab, were decided to be entitled for their absorption as constable on completion



of six months service.

Counsel for the petitioner further submits that some of the SPOs were appointed on daily wage basis and some were appointed on work charge basis. More or less, the service conditions were altogether same.

3. learned counsel for the petitioner further submits that petitioner joined service as SPO on 18.03.1994, as SPO No.781-G/HPR, and was regularized as constable on 01.03.2007 by allotting separate Constable No.75/841. He further submits that the period of service rendered by him as SPO is required to be counted for all intents and purposes including all the service benefits i.e. pensionary benefits etc., as such period would be relevant period for its counting towards total length of service.

4. In view of the given facts and circumstances, case of the petitioner is fully covered with the ratio of law, as held by this Hon'ble High Court in Harbans Lal vs. The State of Punjab and others, (CWP-2371-2010), Decided on 31.08.2010, wherein, the length of previous service done on work charge basis, has been ordered to be counted as qualifying service for the purpose of pensionary benefits. The concluding part of the judgment of the Division Bench of this Court, is reproduced here-under:-

“ In view of the above, the writ petition is allowed. Accordingly respondents are directed to treat the whole period of work charge service as qualified service for pension because accordingly to clarification issued on 30.5.2008 (Annexure P-3), the new defined Contributory Pension Scheme would be applicable to all those employees who have been working prior to 1.1.2004 but have been regularized thereafter. Let his pension and arrears be calculated and paid to him expeditiously, preferably within a period of three months from



the date of receipt of copy of this order.”

5. Mr. Krishan Kumar Thakur, Advocate for the petitioner further argues that subsequent to the **Harbans Lal's case (supra)**, case of SPOs was decided by the Single Bench of this Court i.e. **Sukhjeet Singh and others vs. The State of Punjab and others, [CWP-9936-2017 (O&M), Decided on 15.02.2018]**, wherein, case of the Sukhjeet Singh and others (petitioners therein) regarding period of service as SPOs, was ordered to be counted as qualifying service for the purpose of pension. The ratio of law laid down in **Harbans Lal's case (supra)**, was followed.

For reference, relevant paragraph Nos. 4, 5 & 6 of the judgment rendered in **Sukhjeet Singh's case (supra)**, are reproduced here-under:-

“4. Before adverting to present controversy, it would be profitable to notice ratio of judgment in the case of **Harbans Lal Versus State of Punjab**. Division Bench of this Court after noticing decision of Full Bench of this Court in the case of **Kesarchand Versus State of Punjab 1998 (2) PLR 223** has held that daily wage period rendered before regularization, is liable to be counted as qualifying service for the purpose of pension.

5. After having scrutinized record of the case and hearing arguments of both the counsels, this Court finds that present petition deserves to be allowed. Division Bench of this Court in the case of **Harbans Lal (supra)** has already laid down the law holding that Daily Wages Service rendered before regularization would be counted as qualifying service for the purpose of pension. In the present case, the petitioners were appointed during 1991-92 and were regularized during 1993-94. The petitioner are eligible to benefit extended by this Court in the case of **Harban Lal (supra)**. The period during which all the petitioners worked as SPO would be counted for the



*purpose of pension. In the case of **Harbans Lal (supra)** and all other cited cases, this Court has ordered to count Daily Wage Period for the purpose of pension and no other benefit has been extended, therefore, the period during which petitioners worked as SPO would be counted for the purpose of pension and no other benefit as claimed by petitioners would be admissible to them.*

6. *In view of aforesaid finding, the present petition is partly allowed and respondents are directed to count period during which petitioners worked as SPO as qualifying service for the purpose of pension.*

Since the main case stands decided, therefore, no orders are required to be passed in the pending miscellaneous application(s), if any.”

6. In regard to the considering of claim of the petitioner, already one legal notice dated 13.02.2024 (Annexure P-10) has been submitted by the petitioner to the respondents, but same has not been finalized by taking any decision thereon.

7. On the other hand, Mr. Aman Dhir, DAG, Punjab, appearing on advance notice, submits that on law there cannot be any dispute, as to the claim of the SPOs, who were appointed during the time of extreme terrorism in the State of Punjab, for counting their service period as SPOs for pensionary benefits, and such service period has to be taken into account as qualifying service.

Therefore, learned State counsel submits that claim of the petitioner in the present case, would be considered by taking the final decision on the pending legal notice dated 13.02.2024 (P-10), and also keeping in view the law laid down by this Court in the judgments referred



here-above.

8. After hearing the counsel for both the sides, and going through the writ petition as well as the documents appended thereto, I deem it appropriate to decide the present writ petition by directing the official respondents to take a final decision on the legal notice dated 13.02.2024 (P-10) within a period of three months from today, by passing a speaking order, in accordance with law.

If, there is a request for personal hearing of the petitioner, that would also be acceded to and the final order would be communicated to the petitioner thereafter.

Needless to say that if the respondents/concerned Authorities reaches to the conclusion that petitioner is entitled for the relief, which has been claimed by him, same would be extended to him, without any unnecessary delay.

With the aforementioned observations and the terms recorded here-above, present writ petition is hereby disposed of.

**(SANJAY VASHISTH)
JUDGE**

July 16, 2024

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No