

2023:PHHC:013424

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22553 of 2018 (O&M)
Date of decision: 29.01.2024

Raju Ram and others
.....Petitioners
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sanjeev Kumar Arora, Advocate
for the petitioners.

Mr. T.P.S. Walia, AAG, Punjab.

Mr. Parminder Singh, Advocate
for respondent No.4.

NAMIT KUMAR J. (ORAL)

1. The petitioners have approached this Court by filing the instant petition under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to permit the petitioners to continue with the “General Provident Fund Scheme” and the petitioners be held entitled to receive the pensionary benefits as applicable to the employees recruited in service prior to 01.01.2004 as per Punjab Municipal Employees Pension and General Provident Fund Rules, 1994, and grant them pension on their retirement with all consequential benefits in view of the law laid down by this Court in CWP No.2371 of 2010, titled as Harbans Lal vs State of Punjab, decided on 31.08.2010 (Annexure P-6), with a further direction to the respondents to count the entire service rendered by the petitioners on

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part time basis followed by regular service for the purpose of qualifying service for pension and other retiral benefits in view of ‘Qualifying Service’ defined in Rule 2(j) of the Punjab Municipal Employees Pension and General Provident Fund Rules, 1994.

2. Learned counsel for the parties are *ad idem* that the present writ petition is covered by the judgment passed by this Court in **CWP No.2371 of 2010**, titled as “*Harbans Lal vs State of Punjab*”, decided on **31.08.2010** as well as **LPA No.666 of 2022** and other connected appeals, titled as “*Municipal Council, Qadian vs Musthaq Maish and others*”, decided on **21.12.2023**.

3. Consequently, the present petition is allowed with a direction to the respondents to grant pensionary benefits to the petitioners under the Old Pension Scheme and necessary calculations of the amount of pensionary benefits be made and released, within a period of 04 months from the date of receipt of certified copy of this order.

4. The amount, if any, already paid to the petitioners under the New Defined Contributory Pension Scheme shall be adjusted by the respondents while making the payments of the benefit under the Old Pension Scheme.

(NAMIT KUMAR)
JUDGE

29.01.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No