

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 107

Civil Writ Petition No.17338 of 2024**Date of Decision: September 03, 2024**Manohar Lal & another

..... PETITIONER(S)

*VERSUS*State of Haryana & others

..... RESPONDENT(S)

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA****PRESENT:** - Ms. Ishita Negi, Advocate, for the petitioners.Mr. Krishan K. Chahal, Additional Advocate General,
Haryana.**Tribhuvan Dahiya, J (Oral)**

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order, dated 18.01.2021, Annexure P-6, whereby the petitioners' claim for benefit of Old Pension Scheme has been declined by the respondents.

2. As per facts mentioned in the petition, petitioner no.1 was appointed as part time Peon on 01.05.1990, and regularised as Class IV employee with effect from 27.05.2006; he retired from service from GMSSSS, Kyodak. Husband of petitioner no.2 was appointed as part time Waterman -cum-Mali on 01.04.1988, and regularised in service as Class IV employee with effect from 15.05.2006; he retired from service from GPS, Rajaund, and died later. His widow is claiming family pension.

3. It is contended that the petitioners are entitled to pension/Family Pension in terms of law laid down by this Court in Civil Writ Petition No.1048 of 2016 titled *Jai Bhagwan vs. State of Haryana & others*,



holding that such employees are entitled to pensionary benefits under the Old Pension Scheme by computing their temporary/part-time service from the date of initial appointment. Appeal against the judgment stands dismissed by the Division Bench alongwith connected matters, vide decision dated 26.07.2024 rendered in LPA No.1892 of 2019 titled *State of Haryana & others vs. Jai Bhagwan*.

4. Learned State counsel does not dispute that the petitioners are similarly placed as the petitioners in *Jai Bhagwan* case. He, however, contends that SLP against the judgment passed by the Division Bench, dated 26.07.2024, has been filed in Supreme Court which is still to be listed.

5. In view thereof, the instant petition is allowed in terms of *Jai Bhagwan* case.

(Tribhuvan Dahiya)
Judge

September 03, 2024
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No