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

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Date of Decision :22.08.2024

Anupam Kler and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puneet Gupta, Advocate for the petitioners.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioners submits that once, the selection of the petitioners is prior to 01.01.2004, the petitioners are to be treated under the Old Pension Scheme and not under the New Pension Scheme. Learned counsel for the petitioners further submits that delay on the part of the respondents in issuing the appointment order cannot take away the right of the petitioners especially, when the selection was finalized prior to 01.01.2004.

Learned counsel for the petitioners submits that the petitioners have already raised the said grievance in their representations dated 02.06.2020 and 04.10.2022 (Annexures P/7 and P/8 respectively), which are still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case, a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound



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manner.

Notice of motion.

On the asking of the Court, Mr. Arun Gupta, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondents submits that in case, representations dated 02.06.2020 and 04.10.2022 (Annexures P/7 and P/8 respectively) have been received in the office of the concerned authorities and the same are still pending consideration with the authorities concerned, the same will be decided by the competent authority within a period of eight weeks from the date of the receipt of certified copy of this order by passing an appropriate speaking order and in case, it is found feasible to accept the claim of the petitioners, the same will be extended to them otherwise due reasons for not accepting the claim of the petitioners will be mentioned in the speaking order so passed, which will be conveyed to the petitioners.

At this stage, learned counsel for the petitioners submits that as certain relevant facts have come into operation after the filing of the present petition, the petitioners may kindly be allowed to supplement their representations dated 02.06.2020 and 04.10.2022 (Annexures P/7 and P/8 respectively).

Learned counsel for the respondent-State submits that in case, any supplementary representation is filed by the petitioners within a period of 04 weeks from today, the same will also be taken into consideration by the respondents while deciding their representations.

Learned counsel for the petitioners submits that keeping in view the statement of the learned counsel for the respondents, the present

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petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

August 22, 2024

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No