

2025:PHHC:019380



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

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CWP-2330-2022 (O&M)
Date of decision: 10.02.2025

Santosh Kumari

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sunil K. Bansal, Advocate for the petitioner.
Mr. Satnam Preet Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the letter dated 14.10.2021 whereby claim of the petitioner for the benefit of the Old Pension Scheme has been rejected.

2. The petitioner was appointed as a Clerk on 01.12.2003 as evidenced from Annexure P-4 and was initially stationed at Dharampur, approximately 70 km from her residence. Being a war widow and the sole caregiver for her two young children, aged 2 and 3 years, as well as her mother-in-law, she requested an adjustment in posting. Consequently, she was allotted GHS Bhol Kalota, Hoshiarpur, on 22.01.2004, with the order endorsed on 03.02.2004, in compliance to which she joined duty the very next day, i.e., 04.02.2004 as can be made out from her joining report appended as Annexure P-6. Her inclusion under the New Pension Scheme is exclusively attributable to

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her joining service subsequent to 01.01.2004, which this Court in CWP-10463-2013 titled **Inder Singh and another vs. State of Punjab and others** decided on 25.11.2024, held that the law in force on the date of appointment determines the benefits granted to a new recruit, and that the petitioner, appointed on 23.06.2003 and joined on 08.01.2004, was entitled to the Old Pension Scheme, against which LPA No.334-2024 though preferred by the State of Punjab, but learned State counsel after arguing for some time restricted the same to only the aspect of imposition of costs in the judgment impugned, regarding which also arguments were to be addressed on its maintainability. This was followed in **Suman Rani (deceased) through LRs and Others v. State of Punjab and Others**, CWP-35622-2019, decided on 21.01.2025, wherein the petitioner despite having joined service at a subsequent date pursuant to the initial appointment letter issued on 31.12.2003 was held entitled to the benefit of Old Pension Scheme.

3. Learned State counsel despite his best efforts is unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.

4. The present petition is disposed of in terms of the judgment passed in **Inder Singh and another** (supra)

10.02.2025
ashok

(AMAN CHAUDHARY)
JUDGE

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