



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

1071

CWP-14342-2007 (O&M)

Date of decision: 13.05.2025

Gurpreet Singh and Others

....Petitioners

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.K. Girdhar, Advocate for the petitioners

Ms. Shruti, AAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Learned counsel submits that by invoking Clause 15 of the letter dated 01.12.2006, the petitioner was wrongly held entitled to pension/family pension scheme, rather to the new contributory pension scheme notified by the Government.

2. Reference in the index of the petition was made to pendency of CWP-19697-2006 titled as **Subhash Singh and Others vs. State of Punjab and Others**, which stood disposed of on 06.11.2009, against which no LPA was filed and operative portion whereof read thus:

“ Learned counsel contends that the petitioners were already serving as Masters/Mistresses. The case of the petitioners would be covered by Instructions dated 24.10.2008. Learned counsel contends that requisite benefit, however, is not being given.

Learned counsel for the respondents has not been able to dispute letter dated 24.10.2008 which allows the petitioners the relief prayed for in the petition.

In view of letter dated 24.10.2008 (Annexure A-1), the respondents are directed to consider the cases of the petitioners and grant the requisite relief in terms of instructions dated 24.10.2008.

The petition is accordingly allowed.”

3. He further states that since all the petitioners were appointed between



the year 1992 to 2001 i.e. prior to 2003, his case is squarely covered by the judgment in **Kashmiri Lal and Others vs. State of Punjab and Another**, CWP-20128-2006, decided on 28.11.2013, there being no challenge thereto, which learned State counsel despite best efforts has been unable to controvert regards the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law and resist disposal of the petition in terms thereof or cite any contrary law, which reads thus:

“The writ petition was directed to be disposed of along with CWP No. 19697 of 2006. There had been instructions issued on 24.10.2008 for the State that the claims of the employees who were already covered by an old pension scheme as on 31.12.2003 would be continued to be governed by the same, if they were appointed to any other department of the State Government by submitting resignation on technical basis. The petitioners were all persons who had responded to the advertisement for the post of Head Masters and they were aggrieved about the Clause 15 of the Order dated 1.12.2006 that provided that they would be governed by the new contributory scheme.

Learned counsel for the State, on instructions from Shri Shashi Garg, Legal Assistant office of D.P.I. (SE), Punjab, Mohali, submits that all the petitioners will be governed through the old pension scheme only and Clause 15 which is impugned in the present writ petition will not be made applicable against them.

The statement of the State counsel is recorded and the petitioners will have the benefit in the manner claimed by them. However, it is clarified that it is applicable only to those persons, who were appointed before 2003 and subsequently taking up new appointment as Head Masters.

The writ petition is disposed of in the above terms.”

4. Disposed of in terms of **Subhash Singh and Kashmiri Lal** (supra).

(AMAN CHAUDHARY)
JUDGE

13.05.2025

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No