



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

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CWP-12614-2021 (O&M)

Date of decision: 04.02.2025

Gian Chand

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Madhav Pokhrel, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for quashing of the impugned order dated 23.11.2020, whereby the claim of the petitioner for grant of benefit of Old Pension Scheme prevalent prior to 01.01.2004 has been rejected.
2. The petitioner had applied for appointment to the post of Workshop Attendant, pursuant to the advertisement dated 20.09.2002 and was selected vide merit list dated 24.09.2003, however, merely on the ground that the appointment letter was issued on 27.02.2004, he has been denied the benefit of the Old Pension Scheme. This very issue came up for consideration before this Court in **Sheeru vs. State of Punjab and Another**, CWP-9893-2019, decided on 15.07.2024, to 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 judgment or cite any contrary law, which reads thus:

“Learned counsel for the petitioner argues that in the present petition, the grievance raised by the petitioner that he is entitled for consideration of claim under the Old Pension Scheme, keeping in view of the fact that the post against which the petitioner was appointed, was advertised in the year 2001 vide Advertisement dated 26.06.2001 (Annexure P-1) and selection process was completed prior to 01.01.2004, when the



New Pension Scheme was made applicable. Learned counsel for the petitioner further submits that merely respondent took time to issue appointment orders, in action on the part of the respondent will not take away the right of the petitioner.

Learned counsel for the petitioner further submits that the similar question of law qua the State of Haryana has already been decided by this Court while passing order in CWP No.18043 of 2018 titled as “**Hitesh Kumar and others Vs. State of Haryana and others**” and the present petition be also disposed of in the same terms.

Learned State counsel submits that once, the actual appointment is made after 01.01.2004, on which date, the New Contributory Provident Fund Scheme was operational, the same has rightly made applicable upon the petitioner though, the post against which the petitioner has been recruited, was advertised in the year 2001 and even the selection of the petitioner is prior 01.01.2004.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

Once, it is a conceded fact that the petitioner was appointed on the post of which was advertised in the year 2001 and his selection was also made prior to 01.01.2004, when the New Defined Contributory Pensionary Scheme was made applicable, the petitioner is entitled to be considered under the Old Pension Scheme for the intents and purposes.

The question of law raised in the present petition has already been answered on the basis of the settled principle of law in **Hitesh Kumar’s** case (supra) and the learned State counsel has not been able to point out the differentiating fact in the case of the petitioner as compared to **Hitesh Kumar’s** case (supra).

Keeping in view of the above, the present writ petition is also allowed in terms of CWP No.18043 of 2018 titled as “**Hitesh Kumar and others Vs. State of Haryana and others**”

Ordered accordingly.

Pending application, if any, shall stand disposed of.”

3. The present petition is disposed of in terms of **Sheeru** (supra).

(AMAN CHAUDHARY)
JUDGE

04.02.2025

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No