



CWP-11543-2025

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

CWP-11543-2025

Date of Decision: 06.05.2025

PAWAN KUMAR GOYAL AND OTHERS

..... Petitioners

*Versus***STATE OF HARYANA AND OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sandeep Singh Singal, Advocate
for the petitioners.

Mr. Raman Sharma, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of orders dated 13.02.2025 and 17.02.2025 (Annexure P-10) whereby claim of the petitioners for including them in the Old Pension Scheme (for short 'OPS') as per the policy decision notified vide office memorandum dated 08.05.2023 (Annexure P-2) has been rejected.

2. The petitioners pursuant to advertisement dated September' 2005 applied for the post of Inquiry Clerk/Assistant Receptionist under PWD Category (Blind). They joined service in January'2006. The respondent vide memorandum dated 08.05.2023 decided that those Government employees who have been appointed against vacancy notified prior to 28.10.2005 would be covered under Pension Scheme (for short 'PS'), if they submit their option by 31.08.2023. The petitioners submitted their option on 28.06.2023, 12.07.2023 and 28.07.2023



respectively. The respondent did not include their names for the PS. They made multiple representations but to no avail. The petitioners preferred Civil Writ Petition No.10904 of 2024 before this Court which was disposed of with liberty to file fresh with better particulars. They served legal notice upon respondent on 21.05.2024. They preferred Civil Writ Petition No.16299 of 2024 before this Court which was disposed of with a direction to respondent to decide legal notice of the petitioners within three months. The respondent by impugned order has rejected petitioners' representation on the ground that legal notice was received after cut off date mentioned in the policy i.e. 31.08.2023. The respondent has considered date of filing legal notice whereas ignored date of filing option which was much prior to cut off date.

3. Notice of motion.

4. Mr. Raman Sharma, Addl. AG, Haryana who on advance notice is present in Court, accepts notice on behalf of the respondents.

5. With consent of learned counsel for the parties, the case is taken up for final disposal.

6. On being confronted with order dated 17.05.2025 passed by Municipal Commissioner, Sonapat, Mr. Raman Sharma, Addl. AG, Haryana has expressed his inability to controvert the fact that Municipal Commissioner has not considered date of option, if any, filed by petitioners whereas date of legal notice *vis-a-vis* cut off date was considered.

7. Date of legal notice has no relevance with the cut off date. The respondent was supposed to examine whether requisite option was filed before the cut off date or not.



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8. In the backdrop, the impugned order deserves to be set aside and accordingly set aside. The respondent is directed to pass fresh order to determine whether petitioners have filed option before the cut of date or not. Let the needful be done within two months from today.

9. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.05.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No