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

CWP-15011-2025

Date of Decision: 23.05.2025

SUNIL KUMAR AND OTHERS

..... Petitioners

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sandeep Thakan, Advocate for the petitioners.

Ms. Rajni Gupta, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to consider and decide request of exercising option to cover them under Old Pension Scheme (for short 'OPS') in terms of office memorandum dated 08.05.2023.

2. The respondent vide advertisement No.8/2004 dated 28.10.2004 notified applications for the posts of ALM, Junior Draftsman and Junior Engineer. The petitioners applied for the advertised posts. The respondent re-advertised same posts in 2006. In the re-advertisement, it was categorically mentioned that candidates who have already applied against advertisement of 2004 would be exempted from making the payment of application fee. The petitioners participated in the selection process and came to be selected. They were issued appointment letter on 17.04.2007 and joined on different dates in 2007. They were not covered under OPS. The respondent on 18.08.2008 promulgated New Pension



Scheme which was made applicable w.e.f 01.01.2006. On the representation of employees, the respondent issued office memorandum dated 08.05.2023 whereby options were invited from employees to switch over to OPS. The said benefit was available to those employees who were selected against posts or vacancies advertised/notified prior to 28.10.2005 though they have joined on or after 01.01.2006. The petitioners have joined after 01.01.2006 and they are claiming that their posts were original advertised prior to 28.10.2005, thus, they are entitled to benefit of office memorandum dated 08.05.2023. They have filed options as per said office memorandum. There is no response from respondents, thus, they have served legal notice dated 16.01.2025 (Annexure P-11) upon the respondent.

3. Mr. Sandeep Thakan, Advocate for the petitioners submits that grievance of the petitioners, at this stage, would be redressed if respondent is directed to decide legal notice dated 16.01.2025 (Annexure P-11) in a time bound manner.

4. Ms. Rajni Gupta, Addl. AG, Haryana submits that Competent Authority would address legal notice dated 16.01.2025 (Annexure P-11) of the petitioners within three months from today.

5. Mr. Sandeep Thakan, Advocate agrees with aforesaid arrangements.

6. In the wake of statement of both sides, the present petition stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

23.05.2025

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No