



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

CWP-28391-2025

Date of Decision:22.09.2025

Rajinder Kaur

...Petitioner

Vs.

State of Punjab and Others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Rakesh Sobti, Advocate
for the petitioner.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present writ petition under Article 226/227 of the Constitution of India with a prayer to issue a Writ in the nature of Certiorari for quash the condition No.9 in the order dated 17.03.2025 (Annexure P-15), which is inviolation of the Punjab Civil Services Rules and settled principle of law laid by the Hon'ble Division Bench of this Hon'ble High Court in CWP No. 2371 of 2010 titled as 'Harbans Lal Vs State of Punjab and others' vide judgment dated 31.08.2010 (Annexure P-17) which is upheld upto the Hon'ble Supreme Court vide order dated 30.07.2012 (Annexure P-18) and at par with similarly situated employees who were appointed alongwith the petitioner have already been granted the same benefit of old pension scheme by this Hon'ble High Court vide order dated 19.04.2024 (Annexure P-19) passed in CWP No. 13481 of 2022 and implemented the same by the respondent department and as such, the impugned condition is illegal, arbitrary, discriminatory and against the settled law. Further prayer has been made to direct the respondents to extend the benefit of old pension scheme i.e General

Provident Fund (GPF) Scheme to the petitioner by counting the contractual service of the petitioner towards qualifying service for pension along with all the consequential benefits ie Gratuity, Leave Encashment, GPF, GIS etc. and interest @18% per annum.

2. Learned counsel for the petitioner contends that the case of the petitioner is squarely covered by the judgments passed by this Court in the matter of “Harbans Lal Vs. State of Punjab and Others, CWP-2371-2010 (Annexure P-17) and “Sunita Sharma and Others Vs. State of Punjab and others”, CWP-13481-2022 (O&M) (Annexure P-19).

3. Learned counsel next contends that the petitioner has already served a legal notice dated 16.06.2025 (Annexure P-22) to official respondents and no decision has been conveyed to her by the respondents so far and he shall be satisfied, in case appropriate directions are issued to the respondents to decide the legal notice dated 16.06.2025 (Annexure P-22) submitted by the petitioner.

4. Notice of motion.

5. On the asking of the Court, Mr. Swapan Shorey, DAG, Punjab, who is present in the Court, accepts notice on behalf of the official respondents and has no serious objection to the limited prayer made by learned counsel for the petitioner, at this stage.

6. I have heard learned counsel for the parties and perused the record carefully.

7. At this stage, this Court deems it appropriate to direct the respondent No.1 to decide the legal notice dated 16.06.2025 (Annexure P-22) submitted by the petitioner within a period of **eight weeks** from the date of

receipt of certified copy of this order.

8. While deciding the legal notice, the respondent No.1 shall take into consideration the law laid down by this Court in the matters of “**Harbans Lal Vs. State of Punjab and Others,CWP-2371-2010**” (Annexure P-17) and “**Sunita Sharma and Others Vs. State of Punjab and others”, CWP-13481-2022 (O&M)**” (Annexure P-19) and all other relevant rules/instructions.

9. It is expected that respondent No.1 shall pass a speaking and well reasoned order and in case, it is found that the petitioner is entitled to any relief, all consequential benefits may also be allowed to her, in accordance with law.

10. Disposed of.

22.09.2025

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Whether speaking/reasoned :
Whether reportable :

(N.S.SHEKHAWAT)
JUDGE

Yes/No
Yes/No