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

**LPA-1189-2026 (O&M)
Date of Decision: 06.05.2026**

Municipal Corporation, Zirakpur

.... Appellant

Versus

Ravinder Kaur and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Ms. Deepali Puri, Advocate,
for the appellant.

Mr. Sarthak Gupta, Advocate,
for respondent No.1/Caveator.

Ms. Shruti, AAG, Punjab,
for respondents No.2 to 5.

JASGURPREET SINGH PURI, J. (ORAL)

CM-2904-LPA-2026

The present application has been filed for condonation of delay of 6 days in filing the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 6 days in filing the appeal, is hereby condoned.

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Allowed as prayed for, subject to all just exceptions.

Main Case

1. The present is an intra-court appeal filed by the appellant assailing the judgment dated 10.02.2026 passed by learned Single Judge in CWP-3933-2026.

2. Learned counsel for the appellant submitted that respondent



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No.1 was appointed as a Clerk on a contractual basis in the Municipal Council, Dera Bassi on 22.04.1999 and she joined duty on 27.04.1999 and thereafter, in the year 2011, her services were regularized. She further submitted that in the writ petition filed by respondent No.1, she sought for a direction to permit her to continue with the General Provident Fund Scheme which is an old pension scheme and to grant her all benefits accrued from her contractual service for pensionary purposes and that writ petition was allowed by learned Single Judge based upon the judgment passed by a Co-ordinate Bench of this Court in “**Harbans Lal Vs. State of Punjab and others**”, 2010 SCC OnLine P&H 8181.

3. Learned counsel further submitted that however in another set of cases, a Co-ordinate Bench of this Court in a bunch of cases with the lead case bearing **LPA-666-2022** titled as “**Municipal Council, Qadian Vs. Musthaq Masih and others**” had upheld the orders passed by learned Single Judge whereby the writ petitions were allowed based upon **Harbans Lal’s case (Supra)**. But Hon’ble Supreme Court has stayed the aforesaid judgment passed in the bunch of LPAs with the lead case i.e. **Municipal Council, Qadian’s case (Supra)** and therefore, on that ground, the judgment passed by learned Single Judge is liable to be set aside.

4. At this stage, Mr. Sarthak Gupta, Advocate has caused appearance on behalf of respondent No.1 and Ms. Shruti, AAG, Punjab has caused appearance on behalf of respondents No.2 & 5/State.

5. Learned counsel for respondent No.1 has submitted that the argument raised by learned counsel for the appellant is unsustainable as the law on this point stands settled by a Co-ordinate Bench of this Court in **Harbans Lal’s case (Supra)**, which has been upheld by Hon’ble Supreme



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Court. When the aforesaid judgment was assailed before Hon'ble Supreme Court by way of Special Leave Petition (C) No.23578 of 2012, the said SLP was dismissed vide order dated 30.07.2012. Thereafter, a review petition bearing Review Petition (C) No.2038 of 2013 in the bunch of cases including that of ***Harbans Lal's case (Supra)*** was filed, which was also dismissed by Hon'ble Supreme Court vide order dated 04.11.2015 (Annexure P-8). He further submitted that while dismissing the review petition, it was so observed that no case is made out for review of order dated 30.07.2012. He further submitted that along with the aforesaid review application, other SLPs were also filed and in those SLPs, Hon'ble Supreme Court observed that there was no error which would call for interference in exercise of jurisdiction under Article 136 of the Constitution of India. Additionally, Hon'ble Supreme Court directed the State of Punjab not to file any more special leave petitions against the similar issues as considered by the High Court in the impugned judgment(s) and the order(s). He further submitted that despite the aforesaid specific directions, the Nagar Panchayat, Sahnewal i.e. an instrumentality of the State had filed a Special Leave Petition which has been referred to by learned counsel for the appellant. Learned counsel submitted that in this way the judgment passed by a Co-ordinate Bench of this Court in ***Harbans Lal's case (Supra)*** has been upheld by Hon'ble Supreme Court. Therefore, the present appeal is liable to be dismissed.

6. We have heard learned counsels for the parties.

7. There is no dispute on the factual aspect that respondent No.1 was appointed as a Clerk on a contractual basis in the Municipal Council, Dera Bassi on 22.04.1999 and she joined duty on 27.04.1999 and thereafter,



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in the year 2011, her services were regularized. It was so held by a Co-ordinate Bench of this Court in ***Harbans Lal's case (Supra)*** that those who are appointed on daily wages prior to the cut-off date of 01.01.2004 shall be deemed to be in Government service for the purpose of application of new Re-structured Defined Contribution Pension Scheme. In other words, it was so held by a Co-ordinate Bench of this Court in ***Harbans Lal's case (Supra)*** that those who have been appointed prior to the aforesaid cut-off date of 01.01.2004, the services which they had rendered on daily wage basis prior to the aforesaid cut-off date till the date of regularization will be counted as a qualifying service for the purpose of as to whether they will be governed by the Old Pension Scheme or by the new Re- structured Defined Contribution Pension Scheme. By way of the Policy of the Government, those who have been appointed after 01.01.2004, they were to be governed by New Pension Scheme and those who were appointed prior to the aforesaid cut-off date of 01.01.2004, they were to be governed by the Old Pension Scheme. In the aforesaid judgment, in the case of those employees, who had rendered their service on daily wage basis prior to the aforesaid cut off date but were subsequently regularized after 01.01.2004, it was held that they too shall be governed by the Old Pension Scheme. The facts of the present case suggest that respondent No.1 was appointed on a contractual basis prior to 01.01.2004 but her services were admittedly regularized in the year 2011 i.e. after 01.01.2004. Therefore, the case of respondent No.1 was squarely covered by the aforesaid judgment passed in ***Harbans Lal's case (Supra)***. The relevant portion of the aforesaid judgment of ***Harbans Lal's case (Supra)*** contained in Paragraphs No.16 & 17 is reproduced as under:-

16. From the above discussion, we have come to the



conclusion that the entire daily wage service of the petitioner from 1988 till the date of his regularisation is to be counted as qualifying service for the purpose of pension. He will be deemed to be in govt. service prior to 1.1.2004. The new Re-structured Defined Contribution Pension Scheme (Annexure P-1) has been introduced for the new entrants in the Punjab Government Service w.e.f. 01.01.2004, will not be applicable to the petitioner. The amendment made vide Annexure P-2 amending the Punjab Civil Services Rules, cannot be further amended by issuing clarification/instructions dated 30.5.2008 (Annexure P-3). The petitioner will continue to be governed by the GPF Scheme and is held entitled to receive pensionary benefits as applicable to the employees recruited in the Punjab Govt. Services prior to 1.1.2004.

17. In view of the above, the writ petition is allowed. Accordingly respondents are directed to treat the whole period of work charge service as qualified service for pension because accordingly to clarification issued on 30.5.2008 (Annexure P-3), the new defined Contributory Pension Scheme would be applicable to all those employees who have been working prior to 1.1.2004 but have been regularised thereafter. Let his pension and arrears be calculated and paid to him expeditiously, preferably within a period of three months from the date of receipt of copy of this order.”

8. Thereafter, the SLP was filed assailing the aforesaid judgment and the same was also dismissed on 30.07.2012. The aforesaid order passed in the SLP is also reproduced as under:-

“Delay condoned.

Having heard learned counsel for the petitioner,



we are not inclined to interfere with the judgment of the High Court. The special leave petitions are, accordingly, dismissed.”

9. Thereafter, a review application was filed and some other SLPs were also decided vide order dated 04.11.2015 (Annexure P-8) and the following order was passed:-

“ORDER

REVIEW PETITION (C) NO.2038 of 2013
IN SPECIAL LEAVE PETITION (C) NO.23578 OF 2012

After hearing Shri V.K. Bali, learned senior counsel appearing for the petitioner(s), we are of the opinion that no case for review of order dated 30.07.2012 is made out.

The Review Petition is dismissed accordingly.

IN ALL THE SPECIAL LEAVE PETITIONS

Delay condoned, if any.

Heard Shri V.K. Bali and Shri P.P. Rao, learned senior counsel appearing for the petitioner(s).

We are of the opinion that the High Court has not committed any error which would call for our interference in exercise of our jurisdiction under Article 136 of the Constitution of India.

Accordingly, all the Special Leave Petitions are dismissed.

We direct the State of Punjab not to file any more special leave petitions against the similar issues as considered by the High Court in the impugned judgment(s) and Order(s).”

10. The argument raised by learned counsel for the appellant was that in another set of cases, learned Single Bench had allowed the writ petition on the basis of ***Harbans Lal’s case (Supra)*** which was upheld by a

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Co-ordinate Bench in *Municipal Council, Qadian's case (Supra)* but Hon'ble Supreme Court has stayed the aforesaid judgment. The aforesaid argument raised by learned counsel for the appellant is unsustainable in view of the fact that the judgment passed in *Harbans Lal's case (Supra)* has attained finality before Hon'ble Supreme Court and the learned Single Bench has rightly so relied upon the same.

11. Consequently, we do not find any ground to interfere in the present Letters Patent Appeal and the same is hereby dismissed.

12. Miscellaneous applications, if any, shall also stand disposed of since the main case has been dismissed.

(JASGURPREET SINGH PURI)
JUDGE

06.05.2026
Bhumika

(AMARJOT BHATTI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |