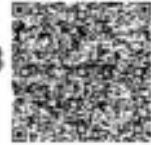


CWP-17487-2026

2026.PHHC.084458



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

CWP-17487-2026

Date of decision: 27.05.2026

Raja Rajwinder Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajeev Dev Sharma, Advocate
for the petitioners.

Ms. Pratibha Bali, AAG, Punjab.

Mr. Ajay Jain, Advocate
for respondent No.3
(through video conferencing).

HARPREET SINGH BRAR, J. (ORAL)

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of an appropriate writ in the nature of *mandamus* directing the respondents to include the petitioner under the Old Pension Scheme and extend all the benefits of Old Pension Scheme to him.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed as Clerk with the Municipal Council, Pathankot on

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compassionate grounds vide order dated 29.11.2005 pursuant to the death of his father, who died in harness on 14.02.2002 while serving with the Municipal Corporation, Pathankot. It is submitted that the petitioner had applied for compassionate appointment immediately after the death of his father and his claim was duly approved vide Resolution No.370 dated 30.04.2002.

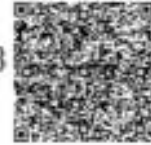
2.2. It is further contended that the Punjab Government issued notification dated 22.05.2025 (Annexure P-1), whereby employees, who had applied for appointment on compassionate grounds prior to 01.01.2004 but were appointed thereafter, were made entitled to opt for the Old Pension Scheme. Learned counsel submits that the petitioner squarely falls within the ambit of the aforesaid notification, as the cause for compassionate appointment arose on 14.02.2002 and his claim had also been approved on 30.04.2002, though the formal appointment was issued subsequently on 29.11.2005.

2.3. It is argued that despite the petitioner being fully covered under the notification dated 22.05.2025, the respondents have failed to extend the benefit of the Old Pension Scheme to him, even though he submitted representation/application dated 12.05.2026 (Annexure P-2) immediately upon acquiring knowledge of the said notification.

2.4. It is, thus, contended that the action of the respondents in denying the benefit of the Old Pension Scheme to the petitioner is arbitrary, discriminatory and violative of Articles 14, 16 and 21 of the Constitution of

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India.

3. Learned counsel for the petitioner has limited his prayer to the extent that the present petition be treated as a comprehensive representation and the same be decided in a time bound manner by passing a speaking order after affording the petitioner an opportunity of being heard.

4. Notice of motion.

5. Ms. Pratibha Bali, AAG, Punjab put in appearance and accept notice on behalf of for respondent-State. Mr. Ajay Jain, Advocate put in appearance and accept on behalf of respondent No.3.

6. Learned counsel for the respondents submits that the grievance raised by the petitioner in the present writ petition would be considered by passing a speaking order in accordance with the law by respondent(s)/competent authority.

7. Therefore, in view of the submissions made by the learned counsel for the parties, the present writ petition is disposed of and the respondent No.2/competent authority is directed to treat this writ petition as a comprehensive representation and consider the claim of the petitioner in light of notification dated 23.05.2025, Annexure P-1, and pass a speaking order after affording him an opportunity to be heard, within a period of 03 months from the date of receiving a certified copy of this order. Further, the decision taken thereof shall be conveyed to the petitioner. Needless to say, if the petitioner is

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found entitled to the relief sought, the same shall be granted forthwith by the respondents.

8. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

27.05.2026*parul verma*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No