



CWP-25272-2025

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

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**CWP-25272-2025 (O&M)
Date of decision: 28.08.2025**

Gurcharan Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to permit the petitioner to continue with the "General Provident Fund Scheme" and the petitioner be held entitled to receive the pensionary benefits as applicable to the employees recruited in service prior to 01.01.2004 as per Punjab Municipal Employees Pension and General Provident Fund Rules, 1994 and grant him pension on his retirement with all consequential benefits in view of the law laid down by this Court in CWP No.2371 of 2010 titled as Harbans Lal Vs. State of Punjab, decided on 31.8.2010 (Annexure P-8). Further prayer has been made to direct the respondents to count the entire service rendered by the petitioner on contract basis followed by regular service for the purpose of qualifying service for



pension and other retiral benefits in view of 'Qualifying Service' defined in Rule 2(j) of Punjab Municipal Employees Pension and General Provident Fund Rules, 1994.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is entitled to the benefit of his past service rendered on contract basis in terms of the Full Bench judgment of this Court in ***Kesar Chand vs State of Punjab, 1998(2) PLR 223***. He has relied upon the speaking order dated 13.11.2017 (Annexure P-14) wherein similar benefit of past service was approved by respondent No.2 and the claimants therein were held entitled for old pension scheme and as such, the petitioner is also entitled for the same relief. Learned counsel for the petitioner, lastly, submits that he would be satisfied if the legal notice dated 28.06.2025 (Annexure P-6) of the petitioner is decided by respondent No.2 by passing a speaking order in a time bound manner.

3. Learned State counsel, appearing on advance notice, submits that he has no objection, in case a direction is issued to the respondent No.2 for time-bound consideration and decision of the legal notice dated 28.06.2025 of the petitioner by passing a speaking order.

4. Therefore, in view of the limited prayer made by learned counsel for the petitioner, the respondent No.2 is directed to consider the legal notice dated 28.06.2025 (Annexure P-6) of the petitioner, in terms of the Division Bench judgment of this Court passed in **CWP No.2371 of 2010**, titled as ***Harbans Lal vs The State of Punjab and others***, decided on **31.08.2010** and in view of Resolution dated



27.04.2016 (Annexure P-13) and speaking order dated 13.11.2017 (Annexure P-14) and thereafter, pass a speaking order, after affording an opportunity of hearing to the petitioner, 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 found entitled to the relief sought, the same shall be granted forthwith by respondent No.2.

5. Disposed of, accordingly.

(HARPREET SINGH BRAR)
JUDGE

28.08.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No