

PETITIONER:  
SITA RAM BANSAL & ORS. ETC.ETC.

Vs.

RESPONDENT:  
STATE OF PUNJAB & ORS.ETC.ETC.

DATE OF JUDGMENT: 27/11/1996

BENCH:  
K.RAMASWAMY, G.T.NANAVATI

ACT:

HEADNOTE:

JUDGMENT:

#### O R D E R

These special leave petitions have been filed against the judgment of the division bench of the Punjab & Haryana High court, made on May 10, 1996 in CWP No. 14764/94 and batch.

The petitioners are non-provincialised employees working in the notified municipal committees. The Government in notification No. JA-I-DCFA-DLG-91/3958, dated January 25, 1991 have introduced the pension scheme applicable to All India Gazetted officers and Punjab Civil services officers working in the municipalities with effect from April 1, 1990. Subsequently, the matter was considered and the benefit of the pension scheme was extended to the employees who are members of non-provincialised service of the municipal committees by notification dated July 28, 1994. The question arose: whether those persons who retired before April 1, 1990 are also entitled, to be brought within the pension scheme? Admittedly, they are governed by the contributory provident fund scheme and on retirement, they had withdrawn the same as was in vogue earlier. The petitioners contend that the writ petitions in the high court contending that the prescription of a cut-off date, i.e. April 1, 1990 was arbitrary, and denying them the benefit of the pensionary scheme is violative of Article 14 of the constitution. The *Sham Das Sharma Vs. State of Punjab* dismissed the writ petitions.

Shri Dhingra, learned counsel for the petitioners, contended that in view of the judgments of this court in *Union of India Vs. Shri Deoki Nandan Agarwal* (1992) 1 SCC 323, *Shri R.L. Marwah Vs. Union of India* (1987) 3 SCR 928 and *Shri M.C. Dhingra Vs. Union of India & Ors.* [JT 1996 (2) SC 463], the cut off date is arbitrary; the pensionary benefits should be extended to the retirees prior to the cut off date; otherwise, it violates Article 14 of the constitution. We find no force in the contention. It is true that the pension is not a bounty but a right earned by the persons while in the service. But unfortunately the pension scheme was not in vogue prior to the retirement of the petitioners. The pension scheme came to be introduced for the first time with effect from April 1, 1990 and July

28,1994 the date on which the scheme was extended to the non-provincialised employees. In other words, all of them have been treated as a class and no invidious discrimination have been treated has meted out to them . Thus, the date of April 1,1990 bears rationality, namely, the scheme for the first time was introduced on that date. All those employees who retired prior to that date were treated as a class and the scheme was extended to it Thus, we find that there is no illegality in introducing the cut-off date; not does it violates Article 14. The ratio in the above judgments has no application to the facts in this case.

The special leave petitions are accordingly dismissed.

JUDIS