

**SUPREME COURT OF INDIA**

Sita Ram Bansal

Vs.

State of Punjab

Spl. Leave Petn. (C) Nos. 22517-20 of 1996

(K. Ramaswamy and G. T. Nanavati, JJ.)

27.11.1996

**ORDER:-**

1. These special leave petitions have been filed against the judgment of the Division Bench of the Punjab and Haryana High Court, made on May 10, 1996 in C. W. P. No. 14764/94 and batch.

2. 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 person scheme was extended to the employees who remembers 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 Admittedly, they are governed by the Contributory Provident Fund Scheme and on retirement, they had withdrawn the contributory Provident Fund in terms of the scheme that was in vogue earlier. The petitioners had filed 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 High Court following its earlier decision rendered in Sham Das Sharma v. State of Punjab, dismissed the writ

petitions.

3. Shri. Dhingra, learned counsel for the petitioners, contended that in view of the judgments of this Court in, *Union of India v. Shri. Deoki Nandan Agarwal* (1992) Supp (1) SCC 323: (1991 AIR SCW 2754), *R. L. Marwah v. Union of India*, (1987) 3 SCR 928 and *M. C. Dhingra v. Union of India*, (1996) (2) JT (SC) 463: (1996 AIR SCW 1176), 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 service. But, unfortunately, the pensionary 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 it was applied to persons serving the Municipalities drawn from All India Service or the Provincial Service. Subsequently, that was extended to other employees in the non-provincial service. The latter G. O. also applied to those who retired between 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 has been 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 those employees either in service or retiring on and after that date have been treated as a separate class and the scheme was extended to it. Thus, we find that there is no illegality in introducing the cut-off date; nor does it violate Article 14. The ratio in the above judgments has no application to the facts in this case.

4. The special leave petitions are accordingly dismissed.

Petition dismissed.