

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

CWP No.22856 of 2012

Date of Decision: 08.05.2015

Sh. G.L. Bajaj and others

....Petitioners

Versus

The State of Punjab through Principal Secretary
to Govt. Punjab, Department of Finance, Punjab,
Chandigarh and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. P.C. Arora, Advocate
for the petitioner.

Mr. P.P.S. Thethi, Addl. A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J.

The petitioners were working in various departments of the State of Punjab and got retired on attaining the age of superannuation on different dates. Some of them retired earlier to 01.01.1996 and some of them got retired after 01.01.1996. The pension of the petitioners was revised from time to time as per policy and instructions of the State Government.

The present petition has been filed for issuance of a writ in the nature of *mandamus* directing the respondents to re-fix the pension of the petitioners as per Sixth Pay Commission as it was decided therein that

pension of all pre 01.01.2006 retirees would be fixed at 50% of the initial pay. Their pension was fixed accordingly. Some of the employees, who were still in employment, represented against the anomaly in their pay scales and the matter was sent by the State Government to the Anomaly Committee and claim of those employees was accepted. As per decision, the benefit was to be released to the employees w.e.f 01.12.2011. The claim of the petitioners in the present petition is that their pension be commuted in terms of initial pay, which was fixed as per report of the Anomaly Committee.

Learned counsel for the petitioners submits that the claim of the petitioners is squarely covered by decisions in **CWP No.25733 of 2012** titled as **A.P. Sharma and others vs State of Punjab and others** decided on **22.10.2013** as well as in **CWP No.11373 of 2012** titled as **Rattan Singh and others vs State of Punjab** and other connected matters decided on **16.08.2013**.

Learned counsel for the respondent-State submits that the case, in hand, has already been considered in the light of prevailing policy of the Government and as per Para 4.2 of Government Letter dated 17.08.2009 which has been modified and supplemented vide letter dated 22.02.2010, the pension of pre 01.01.2006 pensioners is to be revised only once with reference to the initial pay of revised scale of pay as on 01.01.2006. The subsequent re-revision in scales of pay has no co-relation with the pension of such pensioners. The pension of those persons, who are retiring from 01.01.2006 onwards, is relatable only to the pay drawn in the admissible scale of pay at the time of their retirement and it has no co-relation with the re-revision of pay scales from any subsequent date.

Heard the arguments of learned counsel for the parties and have also perused all the documents available on the file.

The claim of the petitioners in the present petition is that the petitioners have been denied the re-revision in pension in accordance with policy instructions and relevant rules contained in Government Letters dated 25.08.2005, 27.12.2005 and 17.08.2009. It is also the argument of learned counsel for the petitioners that there is no *rationale* distinction and classification of pensioners namely pre 01.01.2006 and post 01.01.2006. The petitioners are retirees from the various departments of Punjab Government on different dates before and after 01.01.1996. As per submission made by learned counsel for the petitioners, the issue involved in the present petition is the same as has been decided by this Court in **A.P. Sharma's** case (supra). In the said petition, a direction was issued to the respondents to re-compute the pension of the petitioners w.e.f. 01.12.2011 by taking initial pay as was fixed by the Anomaly Committee.

Accordingly, without commenting anything on the merits of the case, the present petition is disposed of with a direction to the respondents to consider the claim of the petitioners in view of judgment passed in **A.P. Sharma's** case (supra).

However, in case, the petitioners are found to be entitled for the relief as sought for, the same be granted to them and in case, they are still aggrieved in any manner, they are at liberty to avail the appropriate remedy. The necessary exercise be done within a period of six months from the date of receipt of certified copy of this order.

08.05.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE