

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

(1) CWP-22876-2013 (O&M)
Date of decision : 27.05.2015

Narain Dass Arora and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(2) CWP-2726-2014 (O&M)
Date of decision : 27.05.2015

Sham Lal and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(3) CWP-18906-2014 (O&M)
Date of decision : 27.05.2015

Yash Paul Sharma and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(4) CWP-8245-2014 (O&M)
Date of decision : 27.05.2015

Tripta Sharma and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(5) CWP-28183-2013 (O&M)
Date of decision : 27.05.2015

Subhash Chander Sharma and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. P.K. Goklaney, Advocate,
for the petitioner(s).

Mr. Mehardeep Singh, DAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

This judgement shall dispose of five writ petitions captioned above, as common questions of facts and law are involved therein. For brevity, the facts are being derived from CWP No.22876 of 2013.

The sole grouse of the petitioners is that they are not being paid the retiral benefits in terms of Notification No.3/23/09-3FPPC/885 dated 17.08.2009 (Annexure P-10). The learned counsel submits that the petitioners, who are retiree-teachers of the Government Aided Schools are covered by the same policies/rules as compared to the teachers of the Government Schools.

On the other hand, the learned State counsel submits that the petitioners have not served the Government establishments rather

they have rendered service in privately managed Government Aided Schools.

No other argument is raised.

The solitary question that arises for the consideration of this Court is whether the benefit of the Policy dated 17.08.2009 can be selectively denied to the petitioners.

It is not in dispute that the petitioners are getting pension at par with the retirees of the Government Departments. The policy (Annexure P-10) does not create a distinction between the retirees of the Government Aided Schools viz-a/viz Government establishments. Therefore, withholding of the benefit to the petitioners not only is contrary to the policy but is also bereft of any logic. The petitioners are being allowed pension at par with the retirees of Government establishments, then without any specific provision therein, the policy cannot be allowed to selectively operate.

The policy (Annexure P-10) was tested and approved by this Court in a bunch of petitions bearing CWP Nos.20823, 20486, 19943, 23477, 23606 of 2011 and 1003 & 3225 of 2012, wherein, the benefit was allowed to the similarly situated persons in the aforesaid writ petitions.

In view of the same, the present petitions are allowed. The State is directed to calculate the arrears in terms of the policy (Annexure P-10) and within a period of four months and release the

same to the petitioners within a period of two months thereafter.

In case, the needful is not done within the stipulated period, the delayed payment shall carry interest @ 8% per annum from the date of filing the present petition, till the payment is made.

Allowed.

27.05.2015
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(JITENDRA CHAUHAN)
JUDGE