

CWP No.8216 of 2014

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

CWP No.8216 of 2014 (O&M)
Date of decision: 24.02.2015

Amarjit Singh and others

....Petitioners

Versus

The State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Ms. Meenu Salwan, Advocate, for the petitioners.

PARAMJEET SINGH, J. (ORAL)

Instant writ petition under Articles 226 and 227 of the Constitution of India has been filed for quashing para 3 of the notification dated 15.12.2011 (Annexure P-3) whereby cut-off date for grant of complete retiral benefits by treating 25 years of service as full service has been fixed w.e.f. 01.12.2011. It is submitted that the said condition is discriminatory to the persons who have retired prior to 01.12.2011. It is prayed that the condition is pursuant to the recommendations of 5th Pay Commission. The recommendations of 5th Pay Commission came into force w.e.f. 01.01.2006. Therefore, benefit should also be extended to the retirees who superannuated w.e.f. 01.01.2006 till 30.11.2011.

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Learned counsel for the petitioners has brought to the notice of this Court that this matter is squarely covered by decision of a Division of this Court in ***LPA No.1857 of 2013, State of Punjab v. Rattan Singh and others*** rendered on 09.07.2014, wherein the Division Bench has held as under: -

“In the light of above, in our considered opinion the Ld. Single Judge was correct in holding that records did not reflect that the fixing of the cut-off date of 1.12.2011 was the result of a conscious decision based on financial considerations/constraints and consequently para 3 of the letter dated 15.12.2011 was rightly quashed. However, in view of the pleaded case of the appellant and the official record reflecting that financial considerations were dominant factor in fixing the length of qualifying service for grant of full pension, the Ld. Single Judge, instead of directing that decision be implemented w.e.f. 1.1.2006 ought to have directed the appellant to reconsider the question of fixation of the cut-off date. Hence to this extent the appeals are allowed. The order of the Ld. Single Judge directing that the benefits conferred vide letter dated 15.12.2011 be implemented w.e.f. 1.1.2006 and, resultantly, the benefits of this letter be also given to employees who retired between 1.1.2006 and 31.11.2011 is set aside.

The appellant is directed to reconsider the issue and take a fresh decision with regard to the date of implementation of the decision contained in the letter dated 15.12.2011.”

Notice of motion.

On the asking of the Court, Mr. L.S. Virk, Addl. A.G., Punjab,

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who is present in Court, accepts notice on behalf of the respondent.

Present writ petition is disposed of in the same terms as contained in ***LPA No.1857 of 2013.***

(Paramjeet Singh)
Judge

February 24, 2015
R.S.