

**252 IN THE HIGH COURT OF PUNJAB & HARYANA
 AT CHANDIGARH**

**RA No.337 of 2014 in
CWP No.18676 of 1995
Date of Decision: 13.01.2015**

Jatinder Nath Khunger

..... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Roopam Aggarwal, DAG, Punjab.

RITU BAHRI, J. (Oral)

This application has been filed for review of the order dated 31.05.2013 passed by this Court whereby this petition was allowed directing the respondents to calculate the pensionary dues which would become payable to the petitioner in view of the instructions issued by the Finance Department vide letter dated 09.07.1985 by allowing certain additional pensionary, gratuity and terminal benefits in respect of those employees who had retired on or after 31.05.1985. The petitioner had voluntarily retired on 01.07.1983 on completion of 20 years of service from the post of Executive Engineer. The respondents are seeking review of the order dated 31.05.2013 on the ground that the petitioner had been voluntarily retired after completion of 20 years on 01.07.1983 and vide notification dated 09.07.1985 such benefits could not be granted. Such benefits were granted to only those retirees who retired on or after 31.03.1985. These instructions came up for consideration before the Supreme Court in the matter of **State of Punjab and another Vs. J.L.Gupta and others, (2000) 3 SCC, 736** wherein it is held that the benefit conferred vide notification dated 09.07.1985 can be claimed by

those retirees, who retired after the date stipulated in the notification and those who have retired prior to the date stipulated in the notification. This Court had dismissed CWP No. 8220 of 1999 on 23.09.2013 in view of the judgement passed by the Supreme Court as stated in paragraph 9 of the review application.

Notice was given to the petitioner. After the service, no one has put in appearance on behalf of the petitioner. After going through the judgement passed in **State of Punjab and another Vs. J.L.Gupta and others, (2000) 3 SCC, 736**, this Court had observed that the benefits cannot be granted to the petitioner as he has sought voluntarily retirement on 01.07.1983. The order dated 31.05.2013 is recalled.

The petition is dismissed accordingly.

**(RITU BAHRI)
JUDGE**

13.01.2015
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