

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP No.16010 of 1994

Gurbachan Singh and others ... Petitioners

Versus

State of Punjab and others ... Respondents

2. CWP No.7805 of 1996

Hukam Singh (Retired ASI) ... Petitioner

Versus

State of Haryana and another ... Respondents

Date of Decision: 03.02.2016

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.K. Sharma, Advocate,
for the petitioners.

Mr. Hakesh Manuja, Addl. AG, Punjab.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. This order will dispose of CWP No.16010 of 1994 titled *Gurbachan Singh and others vs. State of Punjab and others* & CWP No.7805 of 1996 titled *Hukam Singh (Retired ASI) vs. State of Haryana and another*.

2. The prayer in the petition is for a declaration that the petitioners should be treated as having retired on superannuation at the age of 60 and

not 58 years. The factual backdrop is that the petitioners were employees of the Faridkot State which became part of PEPSU under agreements and Covenant of States. They were retired by the Punjab Government at the age of 58 in terms of age of retirement prescribed in the Punjab Civil Service Rules.

3. Mr. S.K.Sharma states that covenants have to be honoured since they form the basis of accession to the Union of India to form a federal polity. He relies on a Single Bench decision of this Court in RSA No.3024 of 1987, *Ram Sarup Jindal vs. The Chief Secretary and another* rendered on March 09, 1994 and the Constitution Bench decision of the Supreme Court in **Bholanath J. Thaker vs. The State of Saurashtra**, AIR 1954 SC 680 and another decision of the Supreme Court in **H.H. Maharajadhiraja Madhav Rao Jivaji Rao Scindia Bahadur and others vs. Union of India**, AIR 1971 SC 530.

4. Mr. Manuja in defence has cited the ruling in **State of Haryana and others vs. Amar Nath Bansal**, (1997) 10 SCC 700 which concludes the issue. Though these decisions deal with age of retirement of employees serving the ruler of erstwhile Jind State absorbed in the services of the state government but the principle remains the same for Faridkot State when it merged with the Union by the Covenant of States. It is not disputed that Faridkot was part of PEPSU. PEPSU consisted of Faridkot, Jind, Kapurthala, Nabha, Patiala, Kalsia and Nalagarh States in the formation of Patiala, and East Punjab State Union (PEPSU State).

5. The contention raised by Mr. Sharma over and over again in litigation of the present kind is misconceived since the Supreme Court in

Amar Nath Bansal has held that the covenant entered into between the erstwhile rulers of different States which formed PEPSU is not binding on the State of Punjab due to the provisions of the States Reorganisation Act, 1956 relating to the State of Punjab and thereafter the Punjab Reorganisation Act, 1966 shrinking the size of Punjab and carving out Haryana from it. The rule of superannuation would be the date prescribed in the Punjab Civil Service Rules.

6. It has been pointed out that the age of superannuation in Jind State was 62 whereas in Faridkot State it was 60 while it is 58 years in Punjab Government service. The petitioners were rightly retired at 58 on reaching the age of superannuation.

7. There is no merit in this petition, the ground being covered by *Amar Nath Bansal* case and it must therefore fail. Consequently, both the petition are dismissed.

8. In case, any of the parties to the petitions is dead on the date of this order, his LRs would have a right to revive the petition.

**(RAJIV NARAIN RAINA)
JUDGE**

03.02.2016
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