

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19401 of 2011 (O&M)

Date of Decision:- 16.5.2016.

Nirmal Singh and others

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of 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: Mr. J.S. Toor, Advocate for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

Mr. Vikas Puri, Advocate for respondent No.4.

P.B. BAJANTHRI, J.

CM No.5748-CWP of 2016

CM for early hearing was heard and allowed. With the consent of all the parties, matter was taken up for final disposal.

CWP No.19401 of 2011

In this petition, the petitioners have questioned the communication dated 8.6.2007 issued by the Finance Department to the Office of Accountant General, Punjab relating to grant of revision of pension of Sh. Rajinder Singh Patpatia, SDO (retired). The

petitioners stated to have joined Irrigation Department, State of Punjab prior to 1.1.1966 before the creation of Bhakra Beas Management Board (for short 'the BBMB'). Consequently, petitioners' services stood transferred in the BBMB. After their attaining age of superannuation and retirement from service, there was an issue relating to fixation of pension with reference to the last pay drawn by them in the BBMB which was the subject matter before Division Bench of this Court. It was ordered in their favour on 10.12.1996. State of Punjab aggrieved by the order of the Division Bench dated 10.12.1996 approached Supreme Court. The Supreme Court confirmed the order of the Division Bench. Thus, pension and pensionary benefits have been settled with reference to the last pay drawn by the petitioners in BBMB. On 25.8.2005 (Annexure P-7), State Government issued communication relating to implementation of recommendations of the 4th Punjab Pay Commission regarding pension and other retiral benefits – Rationalisation of pension of Pre 1996 pensioners/family pensioners. The petitioners were not given benefit under Annexure P-7 dated 25.8.2005, namely, implementation of recommendation of the 4th Punjab Pay Commission. Thus, they preferred Contempt of Court petition before this Court which was decided on 1.10.2010 holding as follows:-

“The issue, as to whether the petitioners are entitled to revised pension on the basis of pay-scale admissible to the employees of Bhakra Beas Management Board (BBMB) or the

State of Punjab was not the dispute raised in the order passed by the Division Bench of this Court on 10.12.1996.

In view of the said fact, it is open to the petitioners to establish their claim in respect of their right to draw revised pension as per the pay-scale fixed for the employees of Bhakra Beas Management Board (BBMB) in appropriate proceedings in accordance with law.

With the said observations, the present contempt petition stands disposed of.

Rule discharged.”

In the meanwhile, on 8.6.2007, the petitioner's claim for revision of pension with reference to revised scale of pay of ₹ 15800-21100 (which is the 3rd stage of the 3 tier structure) of the PSEB was declined on the ground that petitioners were no more employees of the BBMB after retirement. Consequently, his pension, revised pay scale etc. would be governed by Punjab employees pay scales. Earlier this Court had held that the petitioners are deemed to have retired from BBMB and their pension was required to be fixed with reference to the last pay drawn in BBMB. Judgment of this Court has been implemented and settled their pensionary benefits with reference to the last pay drawn by them in the BBMB. In this background, Annexure P-1 reasoning is totally incorrect and contrary to decision of this Court. Hence, Annexure P-1 is set aside. The petitioners are directed to submit a detailed representation by giving comparative revised pay of retired BBMB employee and retired

Punjab State employee and to apprise the Competent Authority to consider their grievance with reference to Annexure P-7 dated 25.8.2005 as to how the petitioners are entitled for the revised pay/pension. If such a representation is submitted to the State of Punjab, the same shall be considered within a period of three months from the date of receipt of the representation. The State of Punjab while considering the grievance of the petitioners, take note of the decision of Division Bench of this Court passed in ***CWP No.6768 of 1996 (Nirmal Singh, Sub Division Officer (Retd.) Vs. State of Punjab and others)*** dated 10.12.1996 about status of petitioners that they have attained age of superannuation and retired from service as BBMB employee.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

May 16, 2016.

sandeep sethi