

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 02.02.2017

1
KARNAIL SINGH & OTHERS

CWP-5898-1993
... Petitioner

Vs.

STATE OF PUNJAB & OTHERS

...Respondents

2.
RAM SARAN DASS & OTHERS

CWP-14473-1993
... Petitioner

Vs.

STATE OF PUNJAB & OTHERS

...Respondents

3.
RAMA MAL

CWP-17978-1995
...Petitioner

Vs.

STATE OF PUNJAB & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. J.S. Sidhu, Advocate,
for the petitioner(s).

Mr. Anshul Gupta, AAG, Punjab.

KULDIP SINGH (J.)

This order of mine shall dispose of three connected civil writ petitions bearing No. CWP No. 5898 of 1993, CWP No. 14473 of 1993 and CWP No. 17978 of 1995.

In all these writ petitions, the petitioners are the Ex-Naib Tehsildars/Kanungos/Patwaris of the Punjab Government retired between the years 1989 to 1993. As a result of the recommendations of the Third Pay Commission, the pay scales of employees of the State of Punjab were revised w.e.f. 01.01.1986. Vide instructions dated 31.08.1989 (*Annexure P-1*), State of Punjab has withdrawn the pensionary benefits to the pensioners of the

Punjab Government w.e.f. 01.01.1986.

CWP-5898-1993 and two connected cases

The grouse of the petitioners in all the connected writ petitions is that vide letter No. 16/66/84/PP/12108 dated 24.07.1986, 1.2% of old basic pay was given extra to those ex-employees who retired upto 31.08.1989 whereas in the instructions dated 31.08.1989 (*Annexure P-1*), the said benefit has not been extended. According to the petitioner this is an unreasonable classification and liable to be struck down and same may be given to them in terms of aforementioned letter dated 24.07.1986.

I have heard learned counsel for both the parties and carefully gone through the case file.

I am of the view that once the recommendations of the Third Pay Commission are implemented, the revised pensionary benefits in terms of the recommendations of the said pay commission are to be released, which are admittedly on the higher side, since the pay scales were revised itself w.e.f. 01.01.1986. Admittedly, those ex-employees who retired prior to 31.08.1989 must be senior in age from the petitioners and if some extra benefit is given to some of the ex-employees who are senior to the petitioners, it constitutes a reasonable classification. Once the petitioners have accepted the revised pay scale in terms of the Third Pay Commission, the entire set of recommendations will be applied to them.

It being so, there is no merit in the present writ three petitions, hence, all are dismissed.

February 2, 2017
Suresh Kumar

[KULDIP SINGH]
JUDGE

Whether speaking / reasoned :	✓ Yes / No
Whether Reportable :	✓ Yes / No