

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

RSA No.2578 of 1995
Date of decision: 08.03.2017

State of Punjab & anr.

.... Appellants

VS

Kewal Singh through LRs

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Dr. Puneet Kaur Sekhon, Addl. AG, Punjab.

None for the respondent.

Rajiv Narain Raina, J.(Oral)

The plaintiff-respondent who retired from the service of Punjab Govt. on 31.10.1981 claim that he was eligible for pension and family pension under the liberalisation of pension and family pension formula in pursuance of the recommendations of the Second Punjab Pay Commission notified on 22.12.1980 and as amended thereafter.

The suit was decreed in his favour and the Appellate Court affirmed the findings of the trial Court.

The State has preferred the second appeal against the judgment and decree of Lower Appellate Court, Chandigarh. During the pendency of this appeal, the respondent has passed away on 12.01.1995. His LRs are brought on record.

Learned State counsel has relied upon the decision of Supreme Court in *State of Punjab vs. Justice S.S.Dewan, AIR 1997 SC 2388* to distinguish the judgment in *D.S.Nakara and ors. vs. Union of India, 1983 (1) SCC 305*.

After a lapse of 22 years, no useful purpose will be served to decide this appeal on merits. Accordingly, the appeal is rendered infructuous. However, the question is left open to be decided in some other case.

Ordered accordingly.

(RAJIV NARAIN RAINA)
JUDGE

08.03.2017
sonia

- | | |
|---------------------------------------|-----|
| 1. Whether speaking/non-speaking? | Yes |
| 2. Whether reportable/non-reportable? | No |