

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.13306 of 2017 (O&M)

Date of decision : 02.06.2017

Om Parkash and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sunny Singla, Advocate for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

The petitioners have preferred the present writ petition under Articles 226/227 of the Constitution of India for issuance of writ of Certiorari for quashing of Punjab Government Circular dated 13.06.2012 (Annexure P-12) being illegal and arbitrary and for not fixing the pension in terms of the Government Circulars dated 17.08.2009 and 22.02.2010 (Annexure P-9 to P-11). The petitioners also sought issuance of writ of Mandamus directing the respondents to re-fix the pension in terms of the judgment rendered in CWP No.25733 of 2012, "***A.P. Sharma and others vs State of Punjab & others***", decided on 22.10.2013 (Annexure P-13) and CWP No. 2866 of 2014, "***Karanvir Singh and others Vs. State of Punjab and others***", decided on 30.09.2016 and to release all the consequential benefits alongwith interest.

Brief facts of this case are that the petitioners are the pre 01.01.2006 and post 01.01.2006 retirees from different departments of Punjab Government. The petitioners aver that their claims are covered by

the judgments passed in CWP No.25733 of 2012 titled as “***A.P. Sharma and others vs State of Punjab & Others*** ” decided on 22.10.2013 and CWP No. 2866 of 2014, titled as “***Karanvir Singh and others Vs. State of Punjab and others***”, decided on 30.09.2016.

Learned counsel for the petitioners contended that the petitioners would be satisfied if a direction to the respondent No. 1 is given, to decide the legal notice of the petitioners dated 14.03.2017 (Annexure P-16) in view of the aforesaid judgments.

Learned counsel for the petitioners has placed on file the order dated 04.05.2017 (Annexure P-14) passed by the Apex Court dismissing the SLP filed by the State against the Division Bench judgment of this Court in LPA No.352 of 2014, whereby challenge was laid to the judgment dated 22.10.2013 passed in ***A.P. Sharma's case (supra)***.

In view of the matter, the present petition is disposed of with a direction to respondent No.1 to pass a speaking order on the legal notice of the petitioners dated 14.03.2017 (Annexure P-16), in view of the aforementioned judgments passed in ***A.P. Sharma's*** and ***Karanvir Singh's cases (supra)*** within two months from the date of receipt of certified copy of this order and if it is found that the claims of the petitioners are covered under the aforementioned judgments, necessary relief shall be granted to them within next three months from passing of the speaking order.

02.06.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
No