

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

Sr. No.222

Civil Writ Petition No.19581 of 2014
DECIDED ON: August 02, 2017

BALJIT SINGH CHAHAL AND OTHERS

..PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. C.M. Chopra, Advocate,
for the petitioners.

Ms. Sudeepti Sharma, Additional Advocate General, Punjab.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of a writ of certiorari quashing the Punjab Government Circular dated June 13, 2012 (Annexure P-7) as well as para 3 of Circular dated December 01, 2011 (Annexure P-3) which creates discrimination between Junior Engineer/Assistant Engineer who retired prior to December 01, 2011 (between January 01, 2006 to November 30, 2011) and Junior Engineer/Assistant Engineer, who retired after December 01, 2011 and further to refix the pension of petitioners as per Government Circular No.3/23/09-3FPPC/879 dated August 17, 2009 (Annexure P-6) and

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No.5/138/09-3FPI/881 dated December 01, 2011 (Annexure P-3) on account of increase in pay scales/grade pay.

2. At the very outset of the arguments, it has been submitted by learned counsel for the petitioners that as far as the relief of quashment of Punjab Government Circular No.3/39/09-3FPPC/576 dated June 13, 2012 (Annexure P-7) as well as para 3 of Circular No.5/138/09-3FPI/881 dated December 01, 2011 (Annexure P-3) is concerned, instant petition has already rendered infructuous, as aforesaid relief has already been granted vide judgment passed by this Court in LPA No.352 of 2014 captioned as ***State of Punjab and ors. vs. A.P. Sharma and ors.*** decided on August 31, 2016.

3. Further learned counsel for the petitioners as well as learned State counsel have gracefully admitted that instant case is squarely covered within the four corners of judgments passed by this Court in ***A.P. Sharma & ors. case (supra)*** which has attained finality after the dismissal of Special Leave Petition vide order dated May 04, 2017 preferred by the State of Punjab & Ors. before the Hon'ble Apex Court as well as ***Karanvir Singh & Ors. vs. State of Punjab & Ors.*** in CWP No.2866 of 2014 decided on September 30, 2016 in view of ***A.P. Sharma & ors. case (supra)***.

4. Accordingly, instant writ petition stands allowed in terms of judgments passed by this Court in cases ***A.P. Sharma & ors. (supra)*** and ***Karanvir Singh & Ors. (supra)***.

August 02, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No