

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

Sr. No.218-a

Civil Writ Petition No.25009 of 2014
DECIDED ON: September 05, 2017

KEWAL KRISHAN & OTHERS

..PETITIONERS

VERSUS

STATE OF PUNJAB & ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. G.S. Bal, Senior Advocate with
Mr. Tarun Singhal, Advocate,
for the petitioners.

Mr. Manoj Bajaj, Additional Advocate General, Punjab.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of certiorari quashing impugned order dated June 10, 2013 (P-11) passed by respondent No.2, whereby claim of the petitioners for removing anomaly/discrimination between pre and post 01.01.2006 retirees in the matter of grant of pension has illegally been rejected and further issuance of direction to the respondents to remove the anomaly/discrimination between pre and post 01.01.2006 Punjab Government retirees in the matter of grant of pension and consequently bring the pension of pre and post 01.01.2006 retirees with equal number of

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service at par w.e.f. 01.01.2006 onwards and all consequential benefits including arrears accruing therefrom may also be paid to the petitioners along with 18% compound penal interest. Yet, petitioners restrict their claim(s) with regard to prayer i.e. issuance of direction to the respondents to remove the anomaly/discrimination between pre and post 01.01.2006 Punjab Government retirees in the matter of grant of pension and consequently bring the pension of pre and post 01.01.2006 retirees with equal number of service at par w.e.f. 01.01.2006 onwards as well as consequential benefits including arrears accruing therefrom.

2. Undisputably, an identical matter came up for hearing before this Court in case **Karanvir Singh & Ors. vs. State of Punjab & Ors.**, CWP No.2866 of 2014 decided on September 30, 2016 and other connected matters, which was disposed of while granting the following relief:-

“Hence, it is ordered that the pre 1.1.2006 retirees are entitled to re-fixation of their pension as per circular dated 15.12.2011 and circulars issued by Government from time to time but without any retrospective effect, namely, only from the date when the competent authority made it effective w.e.f. 1.12.2011 in terms of judgment of Division Bench of this Court in A.P.Sharma’s case (supra). Consequently, post retirees who retired between 1.1.2006 and 1.12.2011 are also entitled to re-fixation of the pension but without retrospective effect, namely, from the date when competent authority made it effective w.e.f. 1.12.2011. On account of re-fixation of the pension, other consequential benefits will also follow. Necessary follow-up action be taken within three months from

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the date of receipt of a certified copy of this judgment.

In view of what has been discussed above, all the writ petitions are allowed.”

3. Accordingly, instant petition stands disposed of in terms of the aforesaid judgment dated September 30, 2016.

September 05, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No