

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 16.02.2017

CWP-273-2014 (O&M)

Jagdish Singh and others
.....Petitioner(s)
versus
State of Punjab and others
.....Respondent(s)

CWP-20256-2012 (O&M)

Tehal Singh and others
.....Petitioners
versus
State of Punjab and others
.....Respondents

CWP-25739-2012 (O&M)

Gulzar Singh and others
.....Petitioners
versus
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..... Respondent (s)

CWP-1739-2017(O&M)

Mewa Singh & others

Versus

..... Petitioner (s)

State of Punjab & others

..... Respondent (s)

CWP-2990-2017 (O&M)

Joga Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr. Sunny Singla, Advocate for the petitioner(s) in
CWP No. 273 of 2014,
10482, 10798, 10812, 14663, 14666, 14677, 14709, 173, 1956,
1960, 2789, 281, 3766, 386, 419, 7937, 7452, 9609, 17905,
18623, 19851, 20803, 3142, 22343, 23643, 25773, 26535,
26563, 24795, 24268, 25783, 24264 of 2014
CWP No.1596, 3034, 3035, 3055, 3056, 3063, 377, 401, 14003,
7813, 7778, 21041, 21397, 22629, 24037, 17848, of 2015
CWP Nos.17950, 21522, 24202, 24256, 26163 & 26518, of
2015 and 2609, 8703, 15858, 21600, 21627, 14966, 16797,
18077, 21750, 22229, 22517, 22532, 22927, 23736, 23829,
23842, 25211, 25224, 25650, 25838, 26573, 27083, 23754,
23850, 23769 & 9820, 11411, 8717, 680, 6747, 10506, 3438,
10463, 2187, 13688, 4248, 6195, 6208, 9044, 3463, 25646 of
2016 and 1428, 1429, 3048, 3059,3061, 3074, 3085, 3086,
1151, 1414 & 1448 of 2017

Ms.Sonia G.Singh, Advocate for the petitioner(s) in
CWP No.20256 of 2012 and 25739 of 2012

Mr. Vikas Chatrath, Advocate and
Mr. Pranav Grover, Advocate for the petitioner(s) in
CWP Nos. 24864, 21522, 22220 of 2014, 25255, 25282 of
2016. CWP Nos. 17950 of 2015 and 25255, 25282 of 2016.
CWP No.1207 of 2017 and 1735 of 2017

Mr. P.S. Khurana, Advocate for the petitioner(s) in
CWP Nos. 28535, 28529 of 2013 and 11010 of 2014.

Mr. S.K.Arora, Advocate for the petitioner(s) in
CWP No.26565 of 2016.

Mr. Pawan Kumar, Advocate for
in CWP No. 6813 of 2016

Mr. R.K.Arora, Advocate for the petitioner(s) in
CWP Nos. 9117, 25359, 25563, 4997, 2233, 22659 of 2014
and 1435, 1439 of 2017.

Ms. Bhupinder Kaur, Advocate and
Mr. Kapil Kakkar, Advocate for the petitioner(s) in
CWP Nos. 27882, 27902 of 2013, 221, 3750, 8171, 536 & 739
of 2014, CWP No.13728, 13742, 13799, 13876 of 2016.

Mr.Naveen Daryal, Advocate for the petitioner(s) in
CWP No.14798 of 2015

Mr.R.K.Girdhar, Advocate for the petitioner(s) in
CWP No.26368 of 2015

Mr.Nirmal Singh, Advocate for the petitioner(s) in
CWP No.4474, 4710, 8241, 11164 of 2014,
CWP No.25838, 26294 of 2016,
and 385, 1151 and 2990 of 2017

Ms.Riti Aggarwal, Advocate for the petitioner(s) in
CWP Nos.4715, 5627, 13567, 9003, 20724, 21454, 27736,
22300 of 2015, 3441, 761, 2385, 3483 of 2016

Mr.Anshul Gupta, Asstt. A.G. Punjab

Mr. Samuel Gill, Advocate for
Mr. R.D. Bawa, Advocate for respondent No.5 in
CWP No. 28529 of 2013.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

By this single judgment, I shall dispose of all the abovenoted 162 identical writ petitions, wherein the same relief has been claimed by the petitioners. For brevity, the facts have been taken from CWP-273-2014.

The brief facts of the case are that the petitioners were working in various departments in the State of Punjab. Some of them retired before 1.1.2006 and some of them retired after 1.1.2006. The pay scales of the Punjab Government employees were revised with effect from 1.1.2006 by Punjab Civil Services (Revised Pay) Rules, 2009 vide Notification dated 27.5.2009 (Annexure-P-2). In view of the recommendations of the 5th Pay Commission, the pension was also accordingly revised. In case of Agriculture and Horticulture Departments, the pay scales were revised with effect from 1.12.2011, but the same were implemented with effect from 1.1.2006, as per the judgment of this Court passed in “*CWP No. 23138 of 2010, titled as Dr Naresh Kumar Kataria and others Versus State of Punjab and others*”, decided on 5.1.2012 . While fixing the pay, the anomaly has arisen between the employees, who retired before 1.1.2006 and those who retired after 1.1.2006. It is stated that the discrimination has been done regarding fixing pension of the employees, who retired before 1.1.2006 and those who retired after 1.1.2006.

The learned counsels for the petitioners, who are present in Court today, state that the matter has been finally decided by a coordinate bench of this Court in CWP No. 25733 of 2012, titled as *A.P. Sharma and others versus State of Punjab and others*, decided on 22.10.2013 and by this Court in CWP No. 2866 of 2014, titled as *Karanvir Singh and others versus State of Punjab and others*, decided on 30.9.2016 alongwith connected

matters. It is stated that the Letters Patent Appeal No. 352 of 2014, titled as State of Punjab and others versus A.P. Sharma and others alongwith connected matters against the judgment of a Single Bench of this Court in A.P. Sharma's case (supra) has since been dismissed by a Division Bench of this Court, vide order dated 31.8.2016 and it has become final. Therefore, the short prayer is to dispose of all the abovenoted 162 writ petitions in terms of the judgments of this Court, passed in *A.P. Sharma's case (supra)* and in *Karanvir Singh's case (supra)*.

Learned State counsel on instructions from Mr.Vijay Lakshmi, Sr.Asstt., o/o DPI(S) has stated that SLP against LPA No.352 of 2014 has been filed before Hon'ble Supreme Court today and is yet to be taken up.

Learned counsel for the petitioners on the other hand have stated that the present petitions may be disposed of in terms of the order passed by this Court in CWP No. 27687 of 2013 titled as Kuldip Singh and others versus State of Punjab and others, decided on 12.12.2016, subject to the decision of the SLP or SLP against A.P. Sharma's case(supra) or against Karanvir Singh's case (supra).

In these circumstances, all the abovenoted 162 writ petitions are disposed of with directions to the respondents to consider the case of the petitioners in the light of the judgments of this Court in *A.P. Sharma's* and *Karanvir Singh's cases (supra)* and if it is found that the petitioners are covered by the said judgments, then extend the similar benefits to the petitioners also in those petitions and in case, it is found that they are not covered by the said judgments, then pass a speaking order, denying the said benefits. The needful be done within three months from the date of receipt of certified copy of this judgment. If it is found that the petitioners are entitled

to the arrears, the same shall also be released within two months from the date of passing of speaking order alongwith with interest, as per the Government instructions.

However, the government can wait for the decision of the SLP filed against A.P. Sharma's case(supra) or against Karanvir Singh's case (supra) and take a final decision after the decision of the SLPs. If the SLPs are dismissed, the directions contained in this order shall be complied with within two months of the dismissal of the SLPs and if SLPs are allowed, then subject to the decision of the SLPs.

Photocopy of this order be placed on the connected case files.

16.02.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
No