

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

**CM No.16201-CWP of 2016,
CM Nos.352-CWP and 353-CWP of 2017
in/and CWP No.7120 of 2014 (O&M)
Date of decision : February 20, 2017**

Balkar Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Puneet Kumar Bansal, Advocate
for the applicants-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)

CM No.352-CWP-2017

Application is allowed as prayed for.

Annexures A-3 to A-6 are taken on record.

CM No.353-CWP-2017

This is an application for impleading the legal heirs of petitioner Nos.1, 5 and 11, who are stated to be died. The death certificates of these petitioners have been placed on file.

In view of the request made in the application, the legal heirs of petitioner Nos.1, 5 and 11, whose particulars are mentioned in para Nos.2, 4 and 6 respectively are ordered to be brought on record. The amended memo of parties is taken on record.

The application stands disposed of.

CM No.16201-CWP-2016

Notice of motion.

Mr. R.S. Pathania, DAG, Punjab, who is present in the Court, accepts notice on behalf of the State.

This is an application for fixing the main case i.e. CWP No.7120 of 2014 on an actual date of hearing.

Learned counsel for the applicants-petitioners contends that the LPA has been decided in favour of the employees. Therefore, request of fixing the writ on an actual date of hearing is made out.

In view of the aforesaid, the main is ordered to be taken on Board for hearing today.

The application stands disposed of.

Main Case

The present petitioners are the pre 01.01.2006 retiree from Forest Department. The prayer is for revision of pension in terms of the Government Circulars dated 17.08.2009 (Annexure P-2), dated 22.02.2010 (Annexure P-3) and dated 21.12.2011.

The learned counsels for the petitioners states 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 vs State of Punjab and others***”, decided on 30.09.2016 alongwith connected matters. It is stated that the Letters Patent Appeal No. 352 of 2014, titled as “***State of Punjab and others vs 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 31.08.2016 and it has become final.

Therefore, the short prayer is to dispose of the present writ petition in terms of the judgments of this Court, passed in ***A.P. Sharma's case (supra)*** and in ***Karanvir Singh's case (supra)***.

In these circumstances, the present writ petition is disposed of with directions to the respondents to consider the case of the petitioners in the light of the judgments of this Court passed 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 petitioner 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.

(KULDIP SINGH)
JUDGE

February 20, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No