

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8171 -2014 (O&M)
Date of decision: 17.02.2017

Charanjit Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Ms. Bhupinder Kaur, Advocate and
Mr. Kapil Kakkar, Advocate for the petitioners
Mr. Anshul Gupta, Asstt. A.G. Punjab

- 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?*

Kuldeep Singh, J. (Oral)

The brief facts of the case are that the petitioners were working in respondent department 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-3). In view of the recommendations of the 5th Pay Commission, the pension was also accordingly revised. 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 of pension of the employees, who retired before 1.1.2006 and those who retired after 1.1.2006.

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 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 this 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).

Learned State counsel while arguing in CWP No.273 of 2014 titled as Jagdish Singh and others versus State of Punjab and others, decided on 16.2.2017, has stated that SLP against LPA No.352 of 2014 has been filed before Hon'ble Supreme Court and is yet to be taken up.

Learned counsel for the petitioners on the other hand has 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 against LPA No.352 of 2014 or SLP against A.P. Sharma's case(supra) or SLP against Karanvir Singh's case (supra).

In these circumstances, the 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 in A.P. Sharma's and Karanvir Singh's cases (supra). If it is found that the petitioners are covered by the said

judgments, then the same benefits shall be extended to the petitioners. In case, if it is found that they are not covered by the said judgments, then a speaking order shall be passed, denying the same. 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.

17.02.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
No