

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 6953 of 2017 (O/M)
Date of decision : 3.4.2017

Gurnam Singh and others

..... Petitioner (s)

Versus

State of Punjab and another

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.K. Arora, Advocate, for the 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 ?

:-

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KULDIP SINGH J. (ORAL)

Heard.

Notice of motion.

On asking of the Court, Mr. R.S. Pathania, Deputy Advocate General, Punjab, accepts notice on behalf of respondents.

The brief facts of the case are that the petitioners were working in Horticulture Department in the State of Punjab. They retired before 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. 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 pension of the employees, who retired before 1.1.2006 and those who

CWP No. 6953 of 2017 (O/M)

retired after 1.1.2006.

The learned proxy counsel appearing for the learned counsel 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 (Annexure-P-4) 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 (Annexure-P-5) 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 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).

The learned proxy counsel appearing for the learned counsel for the petitioners states that the present writ petition 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, the present writ petition is disposed of with directions to respondents to consider the case of the petitioners in the light of the judgments of this Court in A.P. Sharma's case (supra) and Karanvir Singh's case (supra) and if it is found that the petitioners are

CWP No. 6953 of 2017 (O/M)

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 be released within two months from the date of passing of speaking order alongwith 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.

(KULDIP SINGH)
JUDGE

3.4.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No