

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

CWP No.9618 of 2017 (O&M)

Date of decision : May 05, 2017

Surinder Kumar and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vikas Chatrath, 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 ?

KULDIP SINGH J. (ORAL)

The petitioners have preferred the present writ petition under Articles 226/227 of the Constitution of India for issuance of writ of Certiorari for quashing of Punjab Government Circular dated 13.06.2012 (Annexure P-7) being illegal and arbitrary and for not fixing the pension in terms of the Government Circulars dated 17.08.2009 and 22.02.2010 (Annexure P-5 and P-6). The petitioners also sought issuance of writ of Mandamus directing the respondents to re-fix the pension in terms of the judgment rendered in LPA No. 352 of 2014, “*State of Punjab & Others Vs. A.P. Sharma and others*”, decided on 31.08.2016 (Annexure P-13) as well as Civil Appeal No. 1123 of 2015 titled as “*State of Rajasthan Vs. Mahendra Nath Sharma*”, decided on 01.07.2015 (Annexure P-16) and CWP No. 2866 of 2014, “*Karanvir Singh and others Vs. State of Punjab and others*”, decided on 30.09.2016 (Annexure P-12) and to release all the consequential benefits alongwith interest.

Brief facts of this case are that the petitioners are the pre 01.01.2006 and post 1.1.2006 retirees from different departments of Punjab Government. The petitioners aver that their claims are covered by

the judgments passed in LPA No. 352 of 2014 titled as “***State of Punjab & Others Vs. A.P. Sharma and others***” decided on 31.08.2016 (Annexure P-13) and CWP No. 2866 of 2014, titled as “***Karanvir Singh and others Vs. State of Punjab and others***”, decided on 30.09.2016 (Annexure P-12).

Learned counsel for the petitioners contended that the petitioners would be satisfied if a direction to the respondent No. 1 is given, to decide the claims of the petitioners in view of the aforesaid judgments.

In view of the matter, the present petition is disposed of with a direction to respondent No.1 to pass a speaking order qua the claim of the petitioners in view of the aforementioned judgments ***State of Punjab & Others vs. A.P. Sharma(supra) and others*** and ***Karanvir Singh and others Vs. State of Punjab and others(supra)*** within two months from the date of receipt of certified copy of this order and if it is found that the claims of the petitioners are covered under the aforementioned judgments, necessary relief shall be granted to them within next three months from passing of the speaking order. In view of the above, the present writ petition is disposed of.

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

May 05, 2017

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No