

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.742 of 2007(O&M)

Date of Decision:-05.02.2018

Trilok Chand Jain & Ors.

.....Petitioners.

Versus

R.S. Gujral, IAS & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.S. Sangwan, Advocate for the Petitioners
in COCP Nos.742, 616, 617, 613, 612, 738, 739, 740, 741,
462 of 2007.

Mr. Chandra Sekhar, Advocate for
Mr. UmeshNarang, Advocate for the Petitioner(s)
in COCP Nos.626, 629, 627, 414, 666, 670, 721, 392, 722,
628, 571, 662, 720 & 667 of 2007.

Mr. Ajit Kumar Sharma, Advocate for
Mr. R.D. Yadav, Advocate for Petitioner(s)
in COCP Nos.472 and 488 of 2007.

JASWANT SINGH, J.

Vide this common order, total 26 petitions are being
disposed of, as all of them arise out of common facts and for the sake
of convenience, facts are being taken from COCP No.742 of 2007.

Petitioners, who are either retired employees or are legal
representatives of said employees, are aggrieved against the alleged
inaction on the part of respondent-Authorities, for not granting the

enhanced gratuity, according to the instructions dated 8.3.1996, issued by the State of Haryana to the petitioners/predecessors in interest, despite this Court ordering release of such benefits.

Admittedly, against the said inaction, numerous writ petitions were filed, which were finally allowed by the Division Bench of this court vide order dated 23.09.2005 whereby it was held that that the cut of date of April 01, 1995 is wholly irrelevant for the purpose of grant of enhanced pensionary benefits payable to such employees either retired/died earlier or after April 01, 1995. Accordingly, they were held entitled to the said revised benefits.

Admittedly, aggrieved against the said order, State of Haryana went in SLP (Civil) No.4036 of 2007, wherein vide order dated 15.02.2007, the Hon'ble Supreme Court had stayed further contempt proceedings in such like matters and, therefore, all the contempt petitions involving the same question of facts/law were adjourned sin-a-die for awaiting the decision of the said SLP by the Hon'ble Supreme Court.

These matter have not been put up before this Court as the aforementioned SLP stands decided vide order dated 02.08.2017, whereby the appeal of State of Haryana has been allowed and the judgment passed by the Hon'ble Division Bench has been set aside.

The order dated 02.08.2017 passed by Hon'ble Supreme Court in the SLP is reproduced as under:-

“ *We have heard learned Counsel for the parties.*

The respondents retired prior to 1st April, 1995. As

per subsequent decision gratuity was enhanced for those who retired after 1st April, 1995. Plea of the respondents is that they are entitled to enhancement of gratuity irrespective of the cut off date, which plea has been upheld by the High Court.

Learned Counsel for the appellant has relied upon judgment of this Court in State of Punjab Vs. Aman Nath Goyal, (2005) 6 SCC 754 holding that cut off date was permissible having regard to financial implications. In the said judgment it was observed:-

“ The only question, which is relevant and needs consideration, is whether the decision of the Central and State Governments to restrict the revision of the quantum of gratuity as well as the increased ceiling of gratuity consequent upon merger of a portion of dearness allowance into dearness pay reckonable for the purpose of calculating gratuity, was irrational or arbitrary.

It is difficult to accede the arguments on behalf of the employees that a decision of the Central Government/State Governments to limit the benefits only to employees, who retire or die on or after 1.4.1995, after calculating the financial implications thereon, was either irrational or arbitrary. Financial and economic implications are very relevant and germane for any policy decision touching the administration of the Government at the Central or at the State Level.”

In these circumstances , we are unable to sustain the view taken by the High Court in the impugned order which is hereby set aside.

The appeals are accordingly allowed. ”

In view of the above, the grievance of the petitioners against the respondents for non granting of aforesaid benefits prior to cut off date i.e. 1.04.1995, cannot be entertained any further, as it has

been authoritatively held by the Hon'ble Supreme Court that the said employees cannot be granted any benefit.

In view of the above, all the 26 contempt petitions are hereby dismissed.

(JASWANT SINGH)
JUDGE

February 05, 2018

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

1. COCF-616-2007(O&M)
Laxmi Chand & Ors. Vs. K.S. Bhorla & Ors.
2. COCF-626-2007(O&M)
Ganeshi Lal & Ors. Vs. N. Balabhaskar & Ors.
3. COCF-629-2007(O&M)
Phool Singh & Ors. Vs. R.S. Gujral & Ors.
4. COCF-392-2007(O&M)
Jagdish Cnand & Ors. Vs. R.S. Gujral & Ors.
5. COCF-722-2007(O&M)
Surat Singh & Ors. Vs. R.S. Gujral & Ors.
6. COCF-627-2007(O&M)
Ram Niwas & Ors. Vs. Prem Prashant & Ors.
7. COCF-628-2007(O&M)
Shiv Dutt & Ors. Vs. Prem Prashant & Ors.
8. COCF-617-2007(O&M)
Dharam Singh & Ors. Vs. Param Jit Singh & Anr.
9. COCF-613-2007(O&M)
Ram Saran & Ors. Vs. K.S. Bhorla & Ors.
10. COCF-612-2007(O&M)
Umrao Singh & Ors. Vs. R.K. Khullar, IAS & Ors.
11. COCF-738-2007(O&M)
S.L. Sachdeva & Ors. Vs. J.S. Ahlawat & Ors.
12. COCF-739-2007(O&M)
Kitabo Devi & Ors. Vs. M. Ram Sekhar & Anr.
13. COCF-740-2007(O&M)
Om Parkash Sharma & Ors. Vs. R.S. Gujral & Ors.
14. COCF-741-2007(O&M)
Hari Kumar & Ors. Vs. R.S. Gujral, IAS & Ors.
15. COCF-414-2007(O&M)
Roshan Lal & Ors. Vs. R.S. Gujral & Ors.
16. COCF-571-2007(O&M)
Radha Krishan Bhatia & Ors. Vs. R.N. Prashar & Ors.
17. COCF-666-2007(O&M)
Des Raj & Ors. Vs. R.S. Gujral & Ors.

18. COCF-662-2007(O&M)
Zile Singh & Ors. Vs. R.S. Gujral & Ors.
19. COCF-670-2007(O&M)
Sameh Singh & Ors. Vs. R.S. Gujral & Ors.
20. COCF-720-2007(O&M)
Harish Chander &Ors. Vs. R.S. Gujral & Ors.
21. COCF-721-2007(O&M)
Maha Singh Man & Ors. Vs. R.S. Gujral & Ors.
22. COCF-667-2007(O&M)
Rajbir Singh & Ors. Vs. R.S. Gujral & Ors.
23. COCF-462-2007(O&M)
Jai Bhagwan Vs. R.S. Gujral & Ors.
24. COCF-472-2007(O&M)
Ram Sarup & Ors. Vs. N. Bala Bhaskar.
25. COCF-488-2007(O&M)
Jai Singh & Ors. Vs. Prem Prashant & Ors.