

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

Sr. No.230

**Civil Writ Petition No.7386 of 2016
DECIDED ON: April 23, 2018**

HARMEET KAUR

..PETITIONER

VERSUS

**PEPSU ROAD TRANSPORT CORPORATION, NABHA ROAD,
PATIALA**

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikas Chatrath, Advocate with
Mr. Aditya Pandey, Advocate and
Mr. Manreet Singh Sidhu, Advocate,
for the petitioner.

Ms. Nikita Bansal, Advocate for
Mr. Nitin Kaushal, Advocate,
for the respondent.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ especially in the nature of Mandamus directing the respondents to count qualifying service for grant of pensionary benefits w.e.f. date of joining the Corporation instead of date of contribution to

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provident fund and thereafter extending the benefit of the judgments (P-2 to P-4) which were implemented vide affidavit dated 04.02.2013 (P-5) AND FURTHER to release the sanctioned commuted value of pension along with other duly sanctioned pensionary benefits with interest @ 18% per annum on the delayed payments.

2. Thus, the crucial point which deserves determination by this Court is whether the service rendered from the date of joining the Corporation is to be counted towards the qualifying service for grant of pensionary benefits or from the date of contribution to the contributory fund. The aforesaid controversy is no more res integra and has been set at rest.

3. Undoubtedly, previously Sh .Ved Parkash preferred Civil Writ Petition No.8285 of 2004 captioned as ***Ved Parkash vs. The State of Punjab & ors.*** involving an identical controversy, which was allowed by this Court vide judgment dated 16.09.2010 (P-2). Aggrieved against the aforesaid order dated 16.09.2010, P.R.T.C. (for short 'Corporation') preferred LPA No.207, titled as ***P.R.T.C. vs. Ved Parkash & anr.***, but that stood dismissed vide order dated 03.02.2011 (P-3). The matter did not adhered. Even a Special Leave Petition preferred by the Corporation, met the same fate on 12.01.2012. Meaning thereby, the judgment rendered in ***Ved Parkash's case (Supra)*** dated 16.09.2010 (P-2) became final and conclusive. Subsequent thereto, Gurdial Singh & ors., similarly situated officials also preferred Civil Writ Petition No.4453 of 2012 against the Corporation, which was also allowed in terms of ***Ved Parkash's case (Supra)***, vide order dated 12.03.2012 (P-4) passed by this Court. Ultimately, vide affidavit dated 04.02.2013 (P-5), the aforesaid judgments

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stood implemented. As such, it can be safely concluded that instant petition is squarely covered within the parameters laid down by this Court, which has already been upheld by the Hon'ble Apex Court and further that the judgments rendered in *Ved Parkash's case (Supra)* and *Gurdial Singh's case (Supra)* have already been implemented by the Corporation.

4. Accordingly, instant petition is allowed and the respondents are directed to re-fix and grant the revised pension after having adjusted the amount already received by the petitioner by way of pension along with arrears that too, along with interest @ 9% per annum after the expiry of three months from the date of the decision given by the Hon'ble Apex Court, whereby SLP was dismissed. Further, respondents are also directed to release the sanctioned commuted value of pension along with 9% of interest after three months from the date of retirement, within the period of three months from the date of receipt of a certified copy of this order.

April 23, 2018
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No