

CWP No. 36696 of 2018
Date of Decision : 20.12.2018

State of Punjab and others **...Respondents**

Harsimran Singh Sethi, J.(Oral)

As per the averments made in the present writ petition, the arrears of LTC were granted by the State at a higher rate w.e.f. the year 2006. The respondent-State in some of the cases of the retirees, who retired prior to 01.01.2006 also paid them the benefit of arrears of LTC at a higher rate. After the said anomaly came to the notice of the department, a letter was written by the Government on 17.08.2009 that the retirees, who retired prior to 01.01.2006, are not entitled to pay arrears of LTC but whatever the amount had already been paid to them, should not be recovered but the bank started making the recoveries of the arrears, which were paid to the pre-retirees of 01.01.2006 as well. The said action was challenged before this Court in one such writ petition bearing CWP No. 23198 of 2015. The said writ petition was decided by a Co-ordinate Bench of this Court on 06.10.2017 alongwith other connected writ petitions involving the same question of facts and the Co-ordinate Bench after placing reliance upon the judgment of Hon'ble the Supreme Court in ***State of Punjab Vs. Rafiq***

Masih (White Washer), AIR 2015 SC 696, as well as *Chandi Prasad Uniyal Vs. State of Uttarakhand and others*, 2012 (8) SCC 417, set-aside the recovery, which was being done from the pre-retirees of 01.01.2006, who had already paid the arrears.

Learned counsel for the petitioners contends that once the recovery of the arrears of LTC made to pre-retirees of 01.01.2006 has been set-aside, the said judgment makes the petitioners entitled for the said amount on account of arrears of the LTC.

The said contention is not correct. The Co-ordinate Bench has not held that the retirees, who retired prior to 01.01.2006 were entitled for the arrears, only the recoveries to be made from them, has been set-aside by relying upon the judgment of Hon'ble the Supreme Court in *State of Punjab Vs. Rafiq Masih (White Washer)'s case (supra)*. Nothing has been projected by the counsel for the petitioner as to what makes the petitioners entitled for the arrears of LTC even to the retirees, who retired prior to 01.01.2006. Rather letter dated 28.07.2011 (Annexure P-3) attached by the petitioners themselves, indicates that as per the circular issued by the State of Punjab, the retirees, who retired prior to 01.01.2006, were not entitled for the said benefit.

Under these circumstances, the claim, which has been set-up by the petitioners is not tenable and cannot be accepted.

The writ petition stands dismissed.

December 20, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*