

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 6909 of 1998

Date of Decision : 25.02.2019

Mohinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Sharwan Sehgal, Advocate for the petitioners.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Harsimran Singh Sethi, J.(Oral)

Reply on behalf of respondents No. 1 and 2 has been filed in Court today. The same is taken on record.

The present writ petition was filed for release of the benefits, for which the petitioners were entitled for after their retirement.

Learned counsel for the respondents states that all the benefits for which the petitioners were entitled for, have already been released to the petitioners except petitioner No. 6, who has not been found entitled for the same. Relevant paragraph of the said reply is as under:-

“2. That in this regard, it is humbly stated that the matter under adjudication in the instant writ petition has already attained finality vide order dated 19.04.2010 of the Hon'ble Punjab and Haryana High Court, rendered in CWP No. 4578 of 2010 and CWP No. 14238 of 2010 and the Government of

Punjab has generalized the matter vide letter No. 1/108/20-1093E2/5194-95 dated 05.08.2011. Copy of order dated 19.04.2010 letter No. 20/82-2010E2(1) dated 23.08.2011 is annexed hereto as (Annexure R-1). In pursuance of this letter these benefits have been granted to petitioners No. 1 to 5 who are related to District Ludhiana. Report of the concerned D.E.O.(S.E.) Ludhiana is annexed hereto as (Annexure R-2) for the kind consideration of this Hon'ble Court. Petitioners No. 1 to 4 have already been granted this benefit whereas revised pension case of the petitioner No. 5 Smt. Rajinder Kaur has been forwarded to the office of Accountant General, Punjab, Chandigarh on dated 10.08.2018 for further necessary action, being competent authority to grant the sanction. Hence nothing is due towards the answering respondents qua petitioners No. 1 to 5.

3. That with regard to claim of petitioner No. 6, it is submitted that the petitioner belongs to District Barnala. Her claim has been duly considered by the concerned D.E.O. (E.E.) being competent authority in the light of order dated 19.03.2010/19.04.2010 of the Hon'ble Punjab and Haryana High Court, rendered in CWP No. 4578 of 2010 and CWP No. 14238 of 2010 but she was not found eligible for the said benefit. Petitioner No. 6 Sita Devi has rendered service in Khalsa BT and higher Secondary School, Bakhtgarh (Barnala) from 07.12.1966 to 06.08.1970. This school was not a Government aided school. Hence petitioner has not rendered this service in a Govt. aided school, she is not eligible to claim this benefit. Hence claim of petitioner No. 6 is not sustainable in the eyes of law.”

Learned counsel for the petitioners states that in view of the statement made by the respondents in the reply, he does not wish to press the present writ petition any further.

In view of the above, the present writ petition is disposed of as not pressed any further as requested by the counsel for the petitioners.

However, liberty is granted to petitioner No. 6 in case she wants to agitate her disqualification for entitlement, she will be free to do so by initiating appropriate proceedings.

February 25, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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