

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 1164 of 2019

Date of decision: September 6th, 2019

Ram Kishan and another

... Appellants

Versus

Punjab State Power Corporation Ltd., Patiala and others

... Respondents

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE

HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present: Mr. Amarjit Singh, Advocate, for the appellants.

ARUN PALLI, J.

This is an *intra court* appeal under Clause-X of the Letters Patent, against an order and judgment dated 06.03.2019, vide which the writ petition preferred by the appellants has since been dismissed.

In brief, the case set out by the appellants has been that appellant No.1-Ram Kishan, retired on 31.05.2001, as Additional Superintending Engineer, whereas appellant No.2-Jaswant Singh Grewal, retired as Chief-Engineer on 30.11.2001. Post retirement, and upon commutation of their pension, the appellants were duly released the pensionary benefits. Further, in terms of the order dated 04.09.2001 (Annexure P-1), the full pension was required to be restored to the appellants on completion of 70 years of age. Therefore, as the appellants retired at the age of 58 years, thus, after a period of 12 years they became entitled to restoration of full pension. However, their claim was declined by the respondents, vide communication dated 22.09.2014, as in terms of the

decision of the erstwhile Board dated 04.09.1998, which in turn was based upon the Government instructions dated 21.07.1998, the employees who retired on or after 01.01.1996, were entitled to full pension only after 15 years of their retirement.

In response, it was pleaded by the respondents-authorities that in terms of the notification of the Government dated 21.07.1998, duly adopted by the erstwhile Board on 04.09.1998, the employees of the Board, who retired after 01.01.1996, were entitled to restoration of commuted pension only after 15 years. Thus, the claim of the appellants was misconceived.

Upon a consideration of the matter and material on record, the learned Single Judge concluded that once the instructions dated 21.07.1998, as indicated above, were adopted by the erstwhile Board on 04.09.1998, and since both the appellants retired from service post adoption of those instructions they could be entitled to restoration of full pension only after 15 years of their retirement. Thus, their grievance was wholly ill-founded. Hence, their claim that they were entitled to restoration of commuted pension on attaining the age of 70 years i.e. 12 years after the retirement, could not be countenanced. Not just that another factor that was taken cognizance of by the learned Single Judge was that neither did the appellants pose any challenge to the instructions dated 21.07.1998, nor assailed the order dated 04.09.1998, whereby the said instructions were adopted by the erstwhile Board (now the respondent-Corporation). Therefore, in the given situation, the appellants were governed by the

instructions applicable on the date of their retirement and those envisaged that commuted value of the pension was to be restored after 15 years of retirement. Thus, deduction of commuted pension was to continue till 2016. In the wake of the above, reliance placed by learned counsel for the appellants upon the decision of the Supreme Court in **K.C. Bajaj and others v. Union of India and others, 2014 (4) SLR 499 (SC)**, as also the judgment and order rendered by the learned Single Judge of this Court in **Dr. (Mrs.) Amrit Kumari Sood v. The State of Punjab and others (CWP No.18602 of 2014, decided on February 20, 2018)**, is wholly mis-placed.

Ex facie, the learned Single Judge, upon a comprehensive analysis of the issue, rejected the claim of the appellants. On being pointedly asked, learned counsel for the appellants failed to refer to anything on record to show if the conclusion recorded by the learned Single Judge was either contrary to the record or suffered from any material illegality. That being so, we too are dissuaded to interfere with the impugned order and judgment as also the order passed by respondent No.3, dated 22.09.2014. The appeal being devoid of merit is accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

September 6th, 2019

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No