

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

**Civil Writ Petition No. 20703 of 2016(O&M)
Date of Decision : 27.09.2019**

Sital Singh & Ors.

... Petitioners

versus

State of Punjab & Ors.

... Respondents

CORAM:-HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.K. Arora, Advocate
 for the petitioners.

Mr. Mehardeep Singh, AAG Punjab.

Mr. Aman Sharma, Advocate
for respondent No.3.

Mr. Vijay Kaushal, Advocate
for respondents No.5 and 6.

ARUN MONGA, J(ORAL)

1. *Inter alia*, issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 20.08.2015(Annexure P-20) has been sought, whereby claim of the petitioners for granting them pension and other retirement benefits in terms of pension scheme applicable prior to 01.01.2004 has been wrongly declined on the ground that they are employees of the Punjab Water Supply and Sewerage Board, which is in violation of Resolution No.26 dated 01.12.2008 passed by respondent No.3-Municipal Council, Jagraon and also contrary to the record, whereby the petitioners were permanently absorbed in the service of Municipal Council, Jagraon.

2. Having heard the rival contentions and on perusal of pleadings, I am of the view that, impugned order dated 20.08.2015(Annexure P-20) flies in the face of conceded position recorded in Resolution No.26 dated 01.12.2008(Annexure P-5) read with Order No.63 dated 20.08.2014(Annexure P-22), which clearly reflect that initially, the Municipal Council had accepted the petitioners on deputation

from Punjab Water Supply and Sewerage Division and had decided to absorb them in the Municipal Council since the same was in its interest. It has specifically been observed in Resolution No.26 that in order to merge them permanently into Municipal Council, decision regarding absorption be put up before the Council in its meeting for approval. The same was then unanimously approved. Lateron, the Municipal Council deputed petitioners on deputation with the Board. Their deputation cannot, therefore, be ground of denial of the benefits entitled to them, as admissible to other similarly situated employees in the Municipal Council.

In the premise, the impugned order dated 20.08.2015(Annexure P-20) being not sustainable in the eyes of law, is set aside. Consequently, respondent Board is directed to compute its proportionate liability towards the retiral dues of the petitioner, in accordance with rules/ government instructions and transfer the same to respondent-Municipal Council, Jagraon. In the event any amount is due on the part of the respondent-Board, the same shall be remitted within 2 months from the date of receipt of a certified copy of this order. At the same time, respondent Municipal Council shall be liable for its proportionate liability towards the retiral/pensionary benefits to the petitioners. The same be calculated and paid to the petitioners within three months from date of receipt of certified copy of this order along with interest @ 6% per annum from the date of accrual till actual date of realization.

Disposed of in above terms.

No order as to costs.

27.09.2019

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(ARUN MONGA)
JUDGE

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| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable: | Yes/ No |