

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.	CWP-15929-2018	
Prem Singh		Petitioner
	Versus	
State of Punjab and others		Respondents
2.	CWP-2606-2019	
Santosh		Petitioner
	Versus	
State of Punjab and others		Respondents
3.	CWP-2611-2019	
Resham Singh		Petitioner
	Versus	
State of Punjab and others		Respondents
4.	CWP-14477-2018	
Bhupinder Singh		Petitioner
	Versus	
State of Punjab and others		Respondents
5.	CWP-15913-2018	
Jarnail Singh		Petitioner
	Versus	
State of Punjab and others		Respondents

**CWP-15929-2018 and
other connected cases**

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6.

CWP-14022-2018

Bharpur Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents
7.

CWP-14150-2018

Surjit Lal and others

....Petitioners

Versus

State of Punjab and others

.....Respondents
8.

CWP-13900-2018

Baljit Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents
9.

CWP-13666-2018

Sarabjit Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents
10.

CWP-13811-2018

Jaswinder Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents
11.

CWP-13226-2018 (O&M)

Paramjit Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

**CWP-15929-2018 and
other connected cases**

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CWP-13532-2018

Sukhpal and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

13.

CWP-13491-2018

Reshma Devi and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

14.

CWP-20799-2018

Labh Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

15.

CWP-1321-2019

Tarsem Lal and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

16.

CWP-6735-2019

Amarjit Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

17.

CWP-6744-2019

Karnail Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

Date of decision: - 14.03.2019

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashok Giri, Advocate,
Mr. Vikas Singh, Advocate,
Mr. Harpal Singh Saggu, Advocate and
Mr. Vishal Mehta, Advocate, for the petitioners.

Ms. Deepali Puri Sandhu, Additional Advocate General, Pb.

Mr. Abhinav Gupta, Advocate, for respondent-PUNGRAIN.

HARSIMRAN SINGH SETHI, J. (ORAL)

By this common order, above-mentioned 17 Civil Writ Petitions are being disposed of in the light of common question of law and facts involved. For the sake of convenience, the facts are being extracted from CWP No.15929 of 2018 titled 'Prem Singh Vs. State of Punjab and others.'

In the above-said writ petitions, the petitioners are the Provincial Reserve Chowkidars (hereinafter referred as 'PR Chowkidars'), who have approached this Court, challenging the order dated 26.04.2018 passed by the Director, Department of Finance, Punjab, wherein, it was directed that henceforth the pension will be paid to the retired PR Chowkidars by the Punjab Grains Procurement Corporation Limited (hereinafter referred as 'PunGrain'), where they had been absorbed.

As per the averments made in CWP No.15929 of 2018, though the petitioner has retired on 31.01.2018, neither the PunGrain nor the Department of Food & Supply, Punjab is paying him pensionary

benefits/pension, for which he is entitled for and hence a direction is sought to the respondents to release his benefits immediately.

Upon notice of motion, a reply has been filed on behalf of respondent No.3-PunGrain.

In the reply, it was mentioned that certain objections were raised by the internal audit division of the Finance Department, Punjab, vide their report dated 11.12.2017 and a direction was issued that as the PR Chowkidars are on the pay roll of the PunGrain, they are not entitled for pension from the Punjab Treasury and the pension, if any, should be paid to them by the PunGrain.

Further, in the reply it was mentioned that the matter regarding the release of the monthly pension is under the active consideration of the State Government and modalities are being worked out to streamline the release of the pension and pensionary benefits of the retired PR Chowkidars for which a Committee was constituted to consider case of each and every such PR Chowkidar.

Today, a short reply by way of affidavit has been filed on behalf of respondent No.1 in Court and the same is taken on record. A copy thereof has been supplied to counsel for the petitioners in all writ petitions.

In the said reply, it has been mentioned that the Committee, which was constituted by the Department of Finance has submitted its report with regard to the grant of pension to the PR Chowkidars, who had retired and were getting pension from the Government Treasury. The said

report has been attached as Annexure R-1/1.

As per the reply, the said report was taken up for consideration by the competent authority in a meeting, which was held under the Chairmanship of the Principal Secretary, Finance on 13.03.2019. In the said meeting, the competent authority has taken the decision that monthly liability of pension and other retiral benefits in respect of the PR Chowkidars, who have already retired upto 28.02.2019 and are drawing pension from the Treasury or whose pensions have been sanctioned from AG Punjab or whose pension cases are in pipeline shall be deposited by the PunGrain on a monthly basis by 20th of every month with the Department of Finance. At the end of each month, the Additional Director (T&A) will ensure that the amount so deposited by the PunGrain is released to the PR Chowkidars. Copy of the minutes has been attached as Annexure R-1/2. The relevant part of the reply is as under: -

“2. That during the course of hearing of these petitions, this Hon’ble Court was pleased to pass an interim order dated 15-02-2019, the relevant part of which reads as under:-

“Counsel for the respondents-State further states that the Committee will take a decision within a period of two weeks from today and the said decision will be placed before this Court.

Let the decision, so taken by the Committee, be placed before this Court by way of an affidavit.”

3. That in compliance to the aforesaid directions issued by this Court, the Committee constituted by Department of Finance, Punjab has submitted its report with regard to grant of pension to P.R.

Chowkidars (Temporary) who retired after serving against the non-existing posts and are drawing pension from the treasury or got pension sanctioned from AG Punjab. A copy of aforesaid report Is attached as Annexure R1/1.

4. After detailed discussions on the report during a meeting held on 13.03.2019 under the Chairmanship of Principal Secretary, Finance, Punjab, it has been decided that the monthly liability of pension and other retiral benefits with respect to pensioners or P.R. Chowkidars (Temporary) who have retired till 28.02.2019 and are drawing pension from the treasury or whose pensions have been sanctioned from AG Punjab or whose pension cases are in pipeline shall be deposited by Pungrain on a monthly basis by 20th of every month with Department of Finance, Punjab due to pending legacy liability. At the end of each month, Additional Director (T&A) will ensure that the amount disbursed to PR Chowkidars (Temp.) is as per amount deposited by the PunGrain. A copy of minutes of this meeting is attached as Annexure R1/2.”

Counsel appearing on behalf of respondent No.3 i.e. PunGrain, on the instructions received from the competent authority i.e. the Managing Director, very fairly states that the decision taken by the competent authority as taken in its meeting held on 13.03.2019 is acceptable to the PunGrain and will be implemented in letter and spirit without any fail. It has been stated on behalf of PunGrain that the monthly payment to be paid to the retirees i.e. PR Chowkidars, will be deposited with the State Government by 20th of every month without any fail so that there is no impediment in the release of the same to the pensioners, who have no other source of livelihood except the said amount.

Keeping in view the above facts, counsel for the petitioners

states that their grievances have been redressed except that there are arrears, which are to be released, as no payment has been released to them as pension/pensionary benefits in respect of the PR Chowkidars, who have already retired or have retired in the interregnum i.e. after the passing of the order dated 26.04.2018.

Counsel for the respondents-State states that henceforth, the payment of the pension will be made to the PR Chowkidars as stated above. In respect of the arrears, it has been stated that the same will be cleared by the authorities within a period of three months from today.

In view of the above statement made by the respondents, as noticed above, counsel for the petitioners state that they do not want to press their writ petitions any further, at this stage and the same be disposed of as such.

Disposed of, as not pressed.

March 14, 2019
naresh.k

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	Yes