

Sr. No.228

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-19237-2017(O&M)
Date of decision:15.11.2019**

Raghbir Singh and others

.....Petitioners

versus

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Harsimran Singh Sethi, J(Oral)

The grievance which is being raised by the petitioners in the present writ petition is that though the petitioners are similarly situated as the petitioners in *CWP 25733 of 2012* titled as *A.P.Sharma and others vs. State of Punjab*, decided on 22.10.2013 which has already been upheld in LPA No.352 of 2014 decided on 31.08.2016, still the benefits for which the petitioners have become entitled for have not been released as allowed in *A.P.Sharma's case(supra)*.

Learned counsel for the petitioners argues that the claim of the petitioners for the fixing of their pension post 01.01.2006, in respect of the retirees who have already retired by the said date, also came up for consideration before this Court in CWP No. 2866 of 2014 titled as *Karanvir Singh and others vs. State of Punjab and others*, decided on 30.09.2016, which benefit has also not been extended to the petitioners while fixing their pensions, 01.01.2006 onwards.

Prayer of the petitioners is to grant the petitioners the benefits in

terms of judgments rendered in *A.P.Sharma's case (supra)* and in *Karanvir Singh's case(supra)*, while fixing their pensionary benefits as on 01.12.2011.

Upon *notice of motion*, the respondents have filed the reply, wherein, the respondents have stated that a *speaking order* has already been passed in respect of the claim of the petitioners on 07.07.2017, which order has been appended as Annexure R-1, wherein the direction has been given to the concerned authorities to implement the decision in *A.P.Sharma's case(supra)* without any failure.

Learned counsel for the petitioner further states that the respondent – State of Punjab has issued instructions on 04.07.2019, clarifying as to how the pension of the retirees who have retired between 01.01.2006 till 30.11.2011 is to be fixed.

Learned counsel for the petitioners argues that in principle, the claim as being raised by the petitioner in present writ petition, has been accepted in the instructions dated 04.07.2019 and only the benefit of the said instructions needs to be extended by passing the appropriate orders granting the said benefit to the petitioners.

Learned counsel for the respondents does not dispute that the instructions have been issued by the Government of Punjab on 04.07.2019 for implementing the Order passed by this Court in *Kanranvir Singh's case(supra)* and in case the case of the petitioners is covered under the said instructions, the benefit of the same will be granted by passing the appropriate speaking order.

Learned counsel for respondents states that appropriate orders after considering the case of the petitioners, keeping in view the instructions dated 04.07.2019, will be passed within a period of three months from the

date of receipt of certified copy of this Order and what-ever the benefit the petitioners are found entitled for, will be released within a period of one month thereafter.

Learned counsel for the petitioners states that keeping in view the statement made by the learned counsel for the respondents, no further grievance of the petitioners survives at this stage and the petition be disposed of having been not pressed.

Ordered accordingly.

15th November, 2019

Shivani Kaushik

[Harsimran Singh Sethi]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*