

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

**CWP-12669-2020
Date of decision: 27.08.2020**

Nawal Kishore Sharma and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amrik Singh, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of mandamus to direct the respondents to re-fix the pension of the petitioners in view of the notification dated 01.12.2011 (Annexure P-5), judgment dated 22.10.2013 (Annexure P-7), judgment dated 30.09.2016 (Annexure P-8) and instructions dated 04.07.2019 (Annexure P-12).

Learned counsel for the petitioners submits that CWP-6764-2020, filed by similarly situated pensioners, was disposed of by this Court on 16.03.2020, by passing the following order: -

“Learned counsel for the petitioners states that the petitioners are also entitled for the grant of benefit in terms of the order passed by this Court in CWP No.2866 of 2014 titled as ***“Karanvir Singh and others v State of Punjab and others”***, decided on 30.09.2016 but the said benefit is not being released to petitioners by the respondents on the ground that there is no order passed by the competent Court of law holding the petitioners entitled for the benefit as given to the petitioners in ***Karanvir Singh's*** case (supra).

Learned counsel for the petitioners argues that keeping in view the law laid down by the Division Bench of this Court in case of “*Satbir Singh v State of Haryana*” 2002(2) SCT, 354, once the question of law has been settled by this Court and the same has already attained finality, the similarly situated employees should be extended the same relief without forcing them to approach this Court but the petitioners have been forced by the respondents for seeking the same relief, which has been extended to the similarly situated employees, who were petitioners in *Karanvir Singh's* case (supra).

The prayer of the petitioners is for issuance of a direction to the respondents to grant the benefit to the petitioners for which they are entitled in terms of the order passed by this Court in *Karanvir Singh's* case (supra).

Learned counsel for the petitioner states that for the relief which has been sought in the present writ petition, petitioners have served a legal notice dated 24.01.2020 (Annexure P-10).

Learned counsel for the petitioners further states that though, vide letter dated 28.02.2020 (Annexure P-11), respondent No.3 has responded to the legal notice by directing the petitioners to approach the D.D.O. for the revision of their pension but the D.D.O. is not revising the pension of the petitioners on the ground that there is an order passed by the competent authority in their favour. Learned counsel for the petitioner states that unless and until appropriate orders are passed by the competent authority, holding the petitioners entitled for their pension in terms of the order passed by this Court in *Karanvir Singh's* case (supra), the petitioners cannot be granted the benefit by the concerned D.D.O. Hence, he prays that petitioners will be satisfied at this stage in

case a direction be issued to respondent No.1 to decide the claim of the petitioner as prayed in the legal notice dated 24.01.2020 (Annexure P-10) on merits by passing appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case or on the claim being made by the petitioners, respondent No.1 is directed to decide the legal notice dated 24.01.2020 (Annexure P-10), by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.”

Learned counsel for the petitioners further submits that the petitioners will be satisfied at this stage, if similar direction is issued to respondent No.1 to decide their legal notice (Annexure P-15), by passing a speaking order within a period of three months.

Notice of motion.

On asking of the Court, Ms. Lavanya Paul, AAG, Punjab accepts notice on behalf of the respondents.

In view of the limited prayer of the petitioners, this petition is disposed of, with a direction to respondent No.1 to decide the legal notice dated 16.06.2020 (Annexure P-15), by passing a speaking order within a period of three months from today.

27.08.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No