

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

**CWP No.197 of 2018 (O&M)
Date of decision : February 12, 2020**

Sawinder Kaur and others **Petitioners**

Versus

State of Punjab and another **Respondents**

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Puneet Kumar Bansal, Advocate for the petitioners.

Mr. Navdeep Chhabra, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present writ petition, the petitioners are claiming the benefit as granted to the similarly situated persons by this Court while deciding CWP No.25733 of 2012, titled as “***A.P. Sharma and others vs State of Punjab and others***”, on 22.10.2013.

Learned counsel for the petitioners states that the State of Punjab has already issued instructions on 04.07.2019 for considering the claim of all the eligible persons, in terms of the judgment passed in ***A.P. Sharma's*** case (*supra*). Therefore, the petitioners are entitled for the grant of the benefits as granted to the similarly situated persons, who were petitioners in ***A.P. Sharma's*** case (*supra*).

Upon notice of motion, respondents have appeared and in the reply filed by the respondents, a plea has been taken by them that the judgment in ***A.P. Sharma's case*** (*supra*) relied upon by the petitioners to claim the benefit of re-fixation of their pensionary benefits, is under

challenge in LPA No. 352 of 2014 and operation of the said order has been stayed and, therefore, no benefit of the said judgment can be extended to the petitioners.

According to learned counsel for the petitioners, judgment in **A.P. Sharma's** case (*supra*) has already been upheld by the Division Bench of this Court in LPA No.352 of 2014, decided on 31.08.2016.

The prayer of the petitioners is for issuance of direction to the respondents to consider their claim by passing appropriate orders, in terms of the order passed in **A.P. Sharma's** case (*supra*) read with instructions dated 04.07.2019.

Learned counsel for the respondents raises no objection for considering the claim of the petitioners as raised by them in terms of **A.P. Sharma's** case (*supra*) read with instructions dated 04.07.2019 and passing appropriate orders in a time bound manner.

In view of the request made, without expressing any opinion on the merits of the case or on the claim being made by the petitioner, the respondents are directed to consider the claim of the petitioners in terms of the judgment passed by this Court in **A.P. Sharma's** case (*supra*) read with instructions dated 04.07.2019 and pass an appropriate speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioners are entitled for any monetary benefit, the same shall also be released to them within a period of next three months.

Present writ petition stands disposed of.

It is made clear that the earlier rejection made in the case of the petitioner will not be taken as a ground for non-consideration of his case and appropriate order will be passed keeping in view the undertaking recorded above.

(HARSIMRAN SINGH SETHI)
JUDGE

February 12, 2020

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Whether speaking / reasoned	Yes
Whether Reportable:	No