

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(220)

CWP No. 2143 of 2018

Date of Decision : 27.02.2020

Bhushan Kumar and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Mandeep Kaur, Advocate for
Mr. Ajay Bhardwaj, Advocate for the petitioners.

Ms. Devaki Anand Sullar, A.A.G., Punjab.

Harsimran Singh Sethi, J. (Oral)

The claim raised by the petitioners in the present writ petitions is that they are entitled for revision of their pensionary benefits w.e.f. 01.01.2006 or from the dates of their superannuation as the case may be, keeping in view the law laid down by this Court in CWP No. 25733 of 2012 titled as ***A.P. Sharma and others Vs. State of Punjab and others***, decided on 22.10.2013.

Upon notice of motion, respondents have appeared and in the reply filed, a plea has been taken 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.

Learned counsel for the respondents very fairly admits that

LPA No. 352 of 2014 has already been dismissed by the Division Bench and the judgment passed by the Coordinate Bench in *A.P. Sharma's case (supra)* has been upheld.

Learned counsel for the petitioners argue that after the dismissal of LPA No. 352 of 2014, the respondent-State of Punjab has issued Instructions dated 04.07.2019, whereby a direction has been given to the various departments to consider the case of all the eligible employees in pursuance to *A.P. Sharma's case (supra)* and pass appropriate orders regarding their claim.

Learned counsel for the petitioners argue that it will be appropriate that in case a direction is issued to the respondent-State to consider the claim of the petitioners keeping in view the law laid down by this Court in *A.P. Sharma's case (supra)* read with the Instructions dated 04.07.2019 issued by the Government of Punjab in a time bound manner and pass appropriate orders regarding the claim of the petitioners for re-fixation of their pension.

Learned counsel for the respondents raises no objection for considering the claim of the petitioners as being prayed by learned counsel for the petitioners and passing appropriate order in a time bound manner.

Accordingly, a direction is issued to respondent No. 1 to consider the claim of the petitioners for revision of their pensionary benefits keeping in view the law laid down by this Court in *A.P. Sharma's case (supra)* read with Instructions dated 04.07.2019 issued by the Government of Punjab on the same subject and pass appropriate speaking order within a

period of three months from the date of receipt of certified copy of this order.

In case, after passing of the said order, it is found that petitioners are entitled for the benefits as being claimed by them for re-fixation of their pension, the same be released to them within a further period of two months.

Writ petition is disposed of in above terms.

February 27, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No