

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

**CWP-18887-2020(O&M)
Date of decision:01.04.2021**

Sewa Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms.Kamlesh, Advocate for
Mr. Vikram Bali, Advocate for the petitioner

Ms. Maloo Chahal, DAG, Punjab

ANIL KSHETARPAL, J.

On 09.11.2020, the following order was passed by this

Court:-

“The petitioner claims that he retired from the post of Superintendent on 31.10.1997. He further submits that the Hon’ble Supreme Court while deciding the Civil Appeal no. 1298 of 2018 considered the case of identically situated employees who retired during the period from 11.5.1995 to 1.7.1999 and ordered payment of pension. He submits that during the hearing before the Hon’ble Supreme Court, the respondent-State was called upon to disclose total number of persons who would be eligible for pension. At that time a list of 214 persons was given but somehow, name of the petitioner was excluded.

Inter alia, it is contended that in view of the order passed by the Hon’ble Supreme Court, the

petitioner is entitled to pension.

Notice of motion.

On the request of the Court, Mr. Suveer Sheokand, Addl. AG, Punjab accepts notice on behalf of the State of Punjab and prays for some time.

Service is complete.

List on 8.12.2020.

In the meantime, reply if any, be filed well before the date fixed, with an advance copy to the counsel for the petitioner.”

A reply to the petition has been filed, however, factual assertions noticed in the order dated 09.11.2020, extracted above, are not disputed. It is also not in dispute that the petitioner was not a party in Civil appeal No. 1298 of 2018. Hon'ble the Supreme Court found that the employees who retired between 11.05.1995 to 01.07.1999 are eligible for pension. The respondents-State has defended the non-grant of pension on the ground that the name of the petitioner was not included in the list of 214 persons. It is not in dispute that the aforesaid list was prepared by the State officials and the petitioner was never given any opportunity of hearing before excluding his name. Still further, no justifiable reason to exclude the name of the petitioner has been pointed out.

Since the petitioner was neither a party before the Hon'ble Supreme Court nor associated with when a correct list was prepared. In

such circumstances, on the principle of parity, the petitioner is entitled to the similar relief.

Learned State counsel has failed to draw the attention of the Court to any distinction between the case of the petitioner and the other 214 persons noticed above.

For the aforesaid reasons, the writ petition is allowed. The respondents are directed to calculate the pension due to the petitioner and release the same within two months.

01.04.2021		(ANIL KSHETARPAL)
rekha		JUDGE
Whether speaking/reasoned	Yes /No	
Whether Reportable	Yes / No	