

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-7721-2021

Date of Decision: 02.06.2022

Mohinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jugam Arora, Advocate,
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The claim raised by the petitioner in the present writ petition is that he is entitled for revision of his pensionary benefits, w.e.f. 01.01.2006 or from the date of his superannuation, as the case may be, keeping in view the law laid down by the co-ordinate Bench of this Court, while passing judgment in CWP-25733-2012, titled as “*A.P. Sharma and others Vs. State of Punjab and others*”, decided on 22.10.2013.

Upon notice of motion, learned State counsel has appeared and in the reply filed, a plea has been taken that the judgment passed in *A.P. Sharma's case* (supra), relied upon by the petitioner to claim the benefit of re-fixation of his 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 petitioner.

Learned State counsel very fairly admits that LPA No.352 of

2014 has already been dismissed by the Division Bench and the judgment

passed by the co-ordinate Bench of this Court in *A.P. Sharma's case* (supra) has been upheld.

Learned counsel for the petitioner argues 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 claims.

Learned counsel for the petitioner argues that it will be appropriate that in case a direction is issued to the respondent-State to consider the claim of the petitioner keeping in view the law laid down by the co-ordinate Bench of 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 petitioner for re-fixation of his pension.

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

Accordingly, a direction is issued to respondent No.1 to consider claim of the petitioner for revision of his pensionary benefits keeping in view the law laid down by the co-ordinate Bench of 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 the certified copy of this order.

In case after passing of the said order, it is found that petitioner

is entitled for the benefits, as being claimed by him for re-fixation of his pension, the same be released to him within a period of two months thereafter.

Present writ petition is disposed of in the above terms.

02.06.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No