

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

255

CWP-10943-2020

Date of Decision :18.05.2022

Gurmail Singh

..Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amrik Singh, Advocate for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

Mr. Harmanjit Singh Jugait, Advocate
for respondent No.4.

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 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 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 counsel for the respondents very fairly admits that LPA No. 352 of 2014 has already been dismissed by the Division Bench of this Court and the judgment passed by the Coordinate Bench 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 claim.

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 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 refixation of his pension.

Learned counsel for the respondents 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 the claim of the petitioner for revision of his 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 petitioner is entitled for the benefits as being claimed by him for refixation of his pension, the same be released to him within a further period of two months.

Writ petition is disposed of in above terms.

May 18, 2022

aarti

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No