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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-26811-2016

Date of Decision: 12.05.2022

Kamna Kumari

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashok Sharma Nabhewala, Advocate,
for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The claim raised by the petitioner in the present writ petition is that she is entitled for revision of her pensionary benefits, w.e.f. 01.01.2006 or from the date of her 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, the respondents have 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 her 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 counsels for the respondents very fairly admit that

LPA No. 352 of 2014 has already been dismissed by the Division Bench

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

Learned counsel for the petitioner 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 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 re-fixation of her pension.

Learned counsels for the respondents raise 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 her 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 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 her for re-fixation of her pension, the same be released to her within a further period of two months.

Writ petition is disposed of in above terms.

12.05.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

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