

309 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-6419-1993 (O&M)
Parkash Kapoor and others Petitioners
Vs.
State of Punjab and others Respondents

2. CWP-8037-1996 (O&M)
Mohan Lal Jain Petitioner
Vs.
State of Punjab and others Respondents

Date of Decision: 22.08.2023

CORAM: HON’BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Ashok Sharma Nabhewala, Advocate and
Ms. Gauri Sharma, Advocate for the petitioners.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The issue involved in the present case is no more *res integra* as the judgment relied upon by the petitioners in the case of *Shamsher Singh and others vs. State of Punjab, 1988(2) SLR 408* stands upheld by the Supreme Court in *SLP No. 10133/1989 in State of Punjab vs. Shamsher Singh and others* decided on 06.11.1989 whereby the SLP was dismissed.

2. Admittedly, relying upon the said judgment, another Writ Petition No.6252 of 1988 was decided by the Co-ordinate Bench on 25.04.1990 on following terms:

“This case is squarely covered by the Judgment of this Court in C.W.P. No.6863 of 1986 (Shamsher Singh and others Vs. The State of Punjab and another), dated 18th April, 1988, in which even the employees of the Punjab Roadways who had retired from Service before 31st March, 1985, were held entitled to the grant of pensionary benefits which were being granted to those who retired on or after 31st March, 1985. This judgment has since become final as letters Patent Appeal against the same has been dismissed. Even S.L. P. No. 10133 of 1989 against the same has also been dismissed on 6th November, 1989.

Since all the 46 petitioners (including at Sr.No.5, 11, 12, 16 and 18 represented by their widows) in the present case, retired from service of the Punjab Roadways, they are entitled to the same pensionary benefits as were granted to the writ petitioners in Shamsher Singh's case (supra).

Consequently, the writ petition is allowed and the respondents are directed to pay to the petitioners all the pensionary benefits in terms of the aforesaid judgment within a period of three months. In case the arrears of pensionary benefits are not cleared within the stipulated period, the same shall be paid to the petitioners with 18 per cent interest from the date accrual upto the date of actual payment. The petitioners shall also be entitled to the costs of this petition which are quantified at Rs.1,000/-.”

3. The petitioners are also retired employees of the Punjab Roadways and therefore the retiral benefits have to be revised accordingly as above.
4. It is therefore directed that the respondents' instructions dt.09.07.1985 allowing additional pension, gratuity, death cum retirement gratuity in respect of only those employees who retired from service on or after 31.03.1985 shall be applicable even to those persons who retired before 31.03.1985, and accordingly the respondents shall revise the pension and retiral benefits of the petitioners. The arrears shall be paid to the petitioners or their legal representatives, as the case may be, within a

period of 3 months. Simple interest @9% p.a. shall be also be paid to the petitioners.

- 5. Writ Petition stands *disposed of*.
- 6. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

August 22, 2023
Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |