

311 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8329-1993 (O&M)

Date of Decision:01.08.2023

SHAKTI SINGH

.....Petitioner

V/s.

STATE OF PUNJAB AND ANOTHER

.....Respondents

CWP-7099-1995 (O&M)

PARAMJIT SINGH

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr.Rajiv Atma Ram, Senior Advocate, assisted by
 Ms. Sanah Sahni, Advocate,
 for the petitioner(s) in CWP-8329-1993.

Mr. Gulshan Sharma, Advocate,
for the petitioner in CWP-7099-1995.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. This order shall dispose of two connected Writ Petitions as the
issue involved in both the Writ Petitions is common.

2. The issue raised in these Writ Petitions is no more *res integra* in
view of the judgment passed in the case of **State of Punjab and Another**
Suresh Kumar Sharma ; 2010 (11) SCC 667, wherein the Hon'ble Supreme
Court has laid rest the said controversy with the following directions:-

“5. We have heard learned counsel for the parties.

*Learned counsel appearing for the State of Punjab could
not distinguish the case of the respondent with the case of
S.K.Bhatia and other cases. Consequently, the respondent herein,
who has already attained superannuation from service would
also be entitled to get pensionary and other benefits due to him in*

accordance with law. We direct that all the pensionary and other benefits, if any, be given to the respondent within four months from the date of communication of this order. In the special facts and circumstances of the case, we deem it appropriate to direct the State of Punjab to pay costs of Rs. 25,000/- to the respondent. Let the costs be paid within four weeks from the date of communication of this order. The appeal is, accordingly, allowed and disposed of.”

3. Learned counsel for the petitioner(s) submits that the petitioner(s) has also attained superannuation during the pendency of this Writ Petition and would, therefore, be governed by the aforesaid decision rendered by the Hon’ble Supreme Court.

4. Learned State counsel, however, prays that the costs imposed by the Hon’ble Supreme Court may not be imposed in the present case as it is not the State Government which has challenged the order.

5. Learned counsel for the petitioner(s) do not oppose the said request made by the learned State counsel.

6. In view of the aforesaid, the order passed by the Hon’ble Supreme Court shall apply *mutatis mutandis* to the petitioner(s) in both the petitions, sans the costs. Accordingly, these Writ Petitions stand allowed in terms of the decision in the case of **State of Punjab and Another Suresh Kumar Sharma (Supra)** .

7. Pending application(s), if any, shall stands disposed of accordingly.

August 1, 2023

Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>