

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

LPA-585-2023 (O&M)
Date of decision:- 22.11.2023

Lakhmir Singh

...Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Arihant Goyal, Advocate,
for the appellant.

Ms. Lavanya Paul, Deputy Advocate General, Punjab.

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RITU BAHRI, A.C.J. (ORAL)

This appeal is directed against the judgement and order dated 20.01.2023 passed by the learned Single Judge disposing of the writ petition filed by the petitioner (appellant herein) directing the respondent-authorities to grant him financial benefits (pensionary) from 01.02.2016 to 31.01.2018.

Learned counsel for the appellant submits that the appellant had retired from service on 31.01.2016 and as per the instructions dated 11.05.2015 (Annexure P-5), the Government of Punjab had increased the age of retirement from 58 to 60 years as per Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. He further submits that the appellant, who had retired in 2016, had a right to be given the benefit of these instructions and keeping in view the instructions, the writ petition was disposed of by the learned Single Judge granting him only pensionary benefits.

It is not the case of the respondents that these instructions came when the appellant had already retired. The only question that arises for consideration is whether the appellant is entitled to salary or pensionary benefits. The instructions do not say anywhere that since the same were issued before the retirement of the appellant, therefore, he would not be entitled to the benefit of the salary.

In the circumstances, the impugned judgement passed by the learned Single Judge is being modified to the effect that the appellant shall be given salary with effect from 31.01.2016 till 31.01.2018 instead of pensionary

benefits alongwith interest at the rate of 9% from the date of retirement i.e. 31.01.2018. The pension of the appellant shall also be re-calculated in accordance with law.

The appeal accordingly stands disposed of in the terms aforesaid.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

22.11.2023
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No