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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-5382-CWP-2018 in/and
CWP-5855-2004 (O&M)
Date of Decision: 01.08.2023

Gursewak Singh and others

. . . . Petitioners

Vs.

State Consumer Dispute Redressal Commission and another

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. D.S. Patwalia, Sr. Advocate with
 Ms. Sehar Navjeet Singh Sandhu, Advocate
 for applicant/petitioner No.1.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner No.1 has attained the age of superannuation during the pendency of this Writ Petition. He has therefore filed the present application No.CM-5382-CWP-2018 praying for releasing of his pension and other retiral benefits.
2. The present Writ Petition was filed before this Court seeking quashing of the order dated 29.03.2004 (P-17) whereby the petitioners were relieved from the post of Superintendent in the office of District Consumer Dispute Redressal Forums solely on the ground that the

proposal of the petitioners' absorption sent by the Commissioner was not accepted by the State Government.

3. This Court granted an interim stay to the operation of order dated 29.03.2004 and resultantly, the petitioners and other persons continued to work as Superintendents with the Commission.
4. In the present case, reply has been filed by the respondents and it has come on record that the other petitioners, namely Madan Lal Sharma, Satinder Pal, and Major Singh Brar have already attained the age of superannuation and have also been granted their retiral benefits. The other petitioners namely Mandir Singh and Arvind Singh have also attained the age of superannuation.
5. Keeping in view above, the application No.CM-5382-CWP-2018 is allowed with a direction to the respondents to release the pension of petitioner No.1.
6. The question arises whether the issue raised by the petitioner requires to be examined after they have already attained superannuation.
7. The issue having become academic now after the retirement of all the petitioners relating to their absorption as permanent superintendents with the State Commission as *fait accompli*, this Court deems it appropriate to make the interim order dated 06.04.2004 passed by this Court as absolute in terms of the order passed subsequently on 19.01.2009, and hold them to have retired substantively from the post of Superintendent from the State Commission. Their pension shall accordingly be finalized and released.

- 8. However, the question raised by the petitioner shall remain open to be adjudicated in any future case.
- 9. The pension of petitioner No.1, which is yet to be released, shall be released forthwith, not later than a period of 3 weeks from today.
- 10. Writ Petition stands *allowed*.
- 11. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

August 01, 2023
Mohit goyal

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