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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-11271-2018

Date of Decision: 07.02.2023

Bharpur Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. N.S. Dadwal, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab,
for respondent No.1.

Mr. Sehaj Bir Singh, Advocate,
for respondent Nos.2 to 4.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of *mandamus* directing the respondents to refix the pension of the petitioner as per Government circulars dated 17.08.2009 and 22.02.2010 (Annexures P-2 to P-4) on account of increase in pay scales/grade pay in view of the judgment passed by this Court in ***CWP-2866-2014*** titled as “***Karanvir Singh and others Vs. State of Punjab and others***” decided on 30.09.2016.

Learned counsel for the petitioner submitted that the only prayer to which the petitioner confines is that since he had retired on

31.03.2007 which was after 01.01.2006 and prior to 01.12.2011, his case would be covered for the purpose of refixation of pension in accordance with the aforesaid judgment passed in ***Karanvir Singh and others' case (supra)*** and in this way, he will be entitled for refixation of pay without retrospective effect but only w.e.f. 01.12.2011 and in case a direction is issued in this regard then he will be satisfied for the same.

On the other hand, Mr. Sehaj Bir Singh, learned counsel for respondents No.2 to 4 has stated that so far as the aforesaid judgment is concerned, it has already attained finality and the Punjab State Power Corporation Limited has already adopted the rules of State of Punjab and therefore, the aforesaid judgment will be applicable to the present petitioner.

In view of the aforesaid position, it appears that the case of the petitioner is squarely covered by the aforesaid judgment passed in **Karanvir Singh and others' case (supra)**, since the petitioner had retired between 01.01.2006 and 01.12.2011, and therefore, he will be entitled for refixation of pension without retrospective effect but w.e.f. 01.12.2011.

Consequently, the present petition is allowed in the light of the aforesaid judgment. The respondents are directed to refix the pension of the petitioner according to the aforesaid judgment and to pay the consequential benefits to him in accordance with law within a period of 4 months from today.

07.02.2023*Bhumika***(JASGURPREET SINGH PURI)****JUDGE**

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