

203 (9 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CWP-18297-2015 (O&M)
Date of Decision:12.12.2023

DR. CHANDER PRAKASH SHARMA AND OTHERS

STATE OF PUNJAB AND ANOTHER

.....Petitioners

V/s.

.....Respondents
2.

CWP-9600-2017 (O&M)

KARTAR SINGH AND OTHERS

STATE OF PUNJAB AND ANOTHER

.....Petitioners

V/s.

.....Respondents
3.

CWP-7171-2017 (O&M)

NIRMALA KUMARI AND OTHERS

STATE OF PUNJAB AND ANOTHER

.....Petitioners

V/s.

.....Respondents
4.

CWP-16064-2017 (O&M)

SITAL KUMAR AND OTHERS

STATE OF PUNJAB AND OTHERS

.....Petitioners

V/s.

.....Respondents
5.

CWP-2835-2018 (O&M)

SUKHWANT SINGH AND OTHERS

STATE OF PUNJAB AND ANOTHER

.....Petitioners

V/s.

.....Respondents
6.

CWP-24363-2017 (O&M)

DALWARA SINGH @ DALBARA SINGH

STATE OF PUNJAB AND ANOTHER

.....Petitioner

V/s.

.....Respondents
7.

CWP-19248-2015 (O&M)

RATTAN SINGH AND OTHERS

STATE OF PUNJAB AND ANOTHER

.....Petitioners

V/s.

.....Respondents

8. CWP-8698-2014 (O&M)
JOGINDER PAUL AND OTHERSPetitioners
V/s.

STATE OF PUNJAB AND ANOTHERRespondents

9. CWP-19881-2015 (O&M)
BHAG SINGH AND OTHERSPetitioners
V/s.

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Deepak Arora, Advocate for the petitioners.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. All these 9 Writ Petitions raise common question which has been already addressed by the Coordinate Bench in CWP-7239-2015 and connected cases titled as Labh Singh Dhaliwal and Others Vs. State of Punjab and others decided on 18.12.2019 holding as under:-

“19. In view of the above, these writ petitions are allowed. Letter dated 06.01.2015 issued by the Punjab Government, Finance Department (Finance Pension Policy & Co-ordination Department) is hereby quashed.

20. Since the Division Bench of this Court vide order dated 09.07.2014 passed in LPA No. 1857 of 2013 had set aside the judgment of the Single Judge dated 16.08.2013 to the limited extent of conferring the benefit of the letter dated 15.12.2011 w.e.f. 01.01.2006 with a direction to re-consider the issue and take a fresh decision with regard to the date of implementation of the decision contained in the letter dated 15.12.2011 which cut

off date i.e. 01.12.2011, as fixed by State of Punjab in its letter dated 06.01.2015, has been quashed, the employees, who had retired w.e.f. 01.01.2006 and fulfill the requirements of letter dated 15.12.2011, shall be entitled to the benefit of the letter dated 15.12.2011. This is being so held in the light of the fact that the cut-off date, as fixed by the State, has failed to pass the test as laid down by the Single Bench in its judgment dated 16.08.2013, which had been upheld by the Division Bench of this Court in its judgment dated 09.07.2014 as reproduced and summarized in the earlier part of this judgment.”

2. As per the directions of the State Government, persons who retired between the period from 01.01.2006 to 15.12.2011 were denied the benefit of the revised pension. The said decision has been quashed by the High Court vide the aforesaid judgment.

3. The judgment dated 18.12.2019 passed by the Coordinate Bench is a subject matter of LPA-691-2020 titled as **State of Punjab** Vs. **Labh Singh Dhaliwal and Others**. This Court would, therefore, allow these Writ Petitions in terms of the order passed by the Coordinate Bench in CWP-7239-2015 and connected cases **Labh Singh Dhaliwal and Others** Vs. **State of Punjab and others** (Supra), but the effect of the allowing of these Writ Petitions would only be operative if the Division Bench, before which the LPA is pending, ultimately approves the judgment passed in the case of **Labh Singh Dhaliwal and Others** (Supra).

4. Learned counsel for the petitioners states that he has no objection in disposing of these Writ Petitions in the same terms and the decision of the Division Bench would be binding on the petitioners too.

5. Accordingly, these Writ Petitions are also ***disposed of*** in the same terms. It would be open for the petitioners to make their submissions before the Division Bench in the concerned LPA, if so permitted.

6. All pending applications filed in these Writ Petitions shall stand disposed of accordingly.

December 12, 2023

Ess Kay

**[SANJEEV PRAKASH SHARMA]
JUDGE**

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