

211 (4 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-15458-2017 (O&M)
Balwinder Singh and others Petitioners

Vs.
State of Punjab and others Respondents

2. CWP-16432-2017 (O&M)
Harjit Singh and others Petitioners

Vs.
State of Punjab and others Respondents

3. CWP-15174-2017 (O&M)
Baldev Raj and others Petitioner

Vs.
State of Punjab and others Respondents

4. CWP-19690-2017 (O&M)
Anup Singh and others Petitioner

Vs.
State of Punjab and others Respondents

Date of Decision: 28.07.2023

CORAM: HON’BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Vipul Aggarwal, Advocate
for the petitioners.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioners in these 4 Writ Petitions have prayed as under:

“Petition under Articles 226/227 of the Constitution of India for the issuance of a writ, order or direction especially in the nature of Mandamus directing the respondents to notionally fix the pay of the petitioners w.e.f. 01.01.2006 i.e. the date from which the Punjab Civil Services (Revised Pay) Rules, 2009 were made applicable instead of 01.10.2011 i.e. the date vide which by issuing executive instructions on 05.10.2011 (Annexure P-3) the revised pay scale were actually granted and accordingly recomputed the pension of the petitioners if not w.e.f. 01.01.2006 atleast w.e.f. 01.10.2011 as has been done in the case of pre 01.01.2006 retirees and consequently after re- computation of the pension grant the arrears alongwith interest in view of the judgment rendered by this Hon'ble Court in CWP No.25733 of 2012 titled as A.P. Sharma and others Vs. State of Punjab and others (Annexure P-6).

And/or

It is further prayed that this Hon'ble Court may grant any other relief which it may deem fit in the facts and circumstances of the instant case.”

2. Both the counsel are *ad idem* that the controversy involved in the present Petitions has been laid to rest by the judgment passed by Co-ordinate Bench of this Court in ***Jagdish Singh and others vs. State of Punjab and others*** passed in ***CWP-273-2014***, decided on 16.02.2017.
3. Learned counsel appearing for the State has submitted that they are taking steps to implement the said judgment with respect to all those on whom the said issue shall be applicable.

4. Learned counsel for the petitioners has relied on judgment passed by the Co-ordinate Bench in **CWP-25733-2012** titled as '**A.P. Sharma and others vs. State of Punjab and others**' decided on 22.10.2013.

5. In the case of **A.P Sharma** (supra), this Court held as under:

"In my considered opinion, the stand of the State of Punjab is erroneous. The present is not a case where the pay scale was revised but a case where an anomaly in the pay scale was removed (to the benefit of the employees). Once an anomaly is removed the logical effect is that the Government has accepted its mistake and has corrected the same and the anomaly would be held to apply from the date when the mistake occurred. The mere fact that the benefit of the recommendations of the Anomaly Committee were released from a later date would not change the nature of the exercise viz. the correction of a mistake.

Learned counsel for the petitioners on instructions from his clients has stated that though the claim of the petitioners as set out in the petition was for recomputation of their pension w.e.f. 01.01.2006 yet, since the benefit of the corrected pay scale was given to the employees only w.e.f.01.12.2011 the petitioners are also willing to accept recomputation of their pension w.e.f. 01.12.2011 and specifically give up their claim for recomputation of their pension w.e.f. 01.01.2006.

In this view of the matter, the petition stands disposed of. The respondents are directed to recompute the pension of the petitioners w.e.f. 01.12.2011 by taking initial pay as was fixed by document (Annexure P-4). Let the necessary exercise of recomputation be made within a period of three months from the date of receipt of a certified copy of this order and the benefit of recomputation along with arrears w.e.f. 01.12.2011 be disbursed to the petitioners within a period of two months thereafter. It is made clear that in case the necessary benefits along with arrears are not disbursed to the petitioners within the aforesaid time the petitioners would be entitled to claim the same with interest @ 8% p.a. from the date/s the amount/s fell due till the date of payment/s."

- 6. In view of above, the Petitions are allowed and the pension of the petitioners shall be recomputed w.e.f. 01.12.2011 by taking initial pay as was computed in terms of initial pay as on 01.01.2006.
- 7. The benefit of recomputation of arrears w.e.f. 01.12.2011 shall be disbursed to the petitioners within a period of 2 months from today.
- 8. The petitions stand disposed of.
- 9. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

July 28, 2023

Mohit goyal

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