

242+105 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CM-16241-CWP-2023 in/and
CWP-29171-2018 (O&M)
Date of decision: 05.10.2023

Jagdish Rai Garg and others

.....Petitioners

V/s

Union of India and others

...Respondents

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. K.G. Chaudhary, Advocate
 for the petitioners.

 Mr. Karan Singh, Advocate
 for the respondent No.1.

 Mr. Rajesh Hooda, Advocate
 for the respondents No.2 and 4.

DEEPAK MANCHANDA J. (ORAL)

CM-16241-CWP-2023 & CWP-29171-2018

 This is an application under Section 151 CPC for disposal of the
main writ petition i.e. ***CWP-29171-2018*** in view of the judgment of the Hon'ble
Supreme Court of India dated 04.11.2022 in SLP No.8658-8659/2019 and other
connected cases.

 Notice in the application.

 Mr. K.G. Chaudhary, Advocate has put in appearance in the Court,
accepts notice on behalf of the non-applicants-petitioners and does not object to
the prayer made by learned counsel for the applicant-respondents No.2 and 3.

For the reasons mentioned in the application, same is allowed and the main case i.e. **CWP-29171-2018** is taken on board today itself.

Main case

This petition has been filed under Article 226/227 of the Constitution of India for quashing the fixation of pension worked out on the basis of ceiling of Rs.15000/- per month instead of actual salary (pay+D.A.) drawn by the petitioners at the time of their retirement, purportedly under provisions of Clause 11(4) of the Pension Scheme as amended vide notification dated 02.08.2014 and to quash all consequential proceedings whereby the pension of the petitioners has been reduced on the basis of said notification for want of joint option by the employees and employer under Clause 11(3) of the Employees' Pension Scheme 1995 and further, directing the respondents to continue paying pension and other retiral benefits to the petitioners as was being paid to them on the basis of full actual salary (Pay + D.A.) drawn by the petitioners at the time of their retirement with all consequential benefits.

Learned counsel for the respondents No.2 and 3 submits that the present petition be disposed of in view of the judgment of the Hon'ble Supreme Court of India passed in SLP No.8658-8659/2019 and other connected cases decided on 04.11.2022 as the specific relief has been granted to the petitioners in Para No.44(iv) of the aforesaid judgment.

Faced with this, learned counsel for the petitioner submits that he has no objection if the present petition is disposed of in view of the aforesaid judgment dated 04.11.2022 and respondents be directed to decide the claim of the petitioners within three months.

In view of the submissions made by learned counsel for the respondents No. 2 and 3 for disposal of the writ petition and no objection made

by the learned counsel for the petitioners, as aforesaid, the present writ petition is disposed of in view of the judgment dated 04.11.2022 of the Hon’ble Apex Court passed in SLP No.8658-8659/2019 and other connected cases with a direction to the respondents to decide the claim of the petitioners within a period of three months from the date of receipt of certified copy of this order.

Pending application(s), if any, also stands disposed of accordingly.

05.10.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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