

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

128+130+133

CWP-398-2024
Date of Decision : 10.01.2024

Jit Singh Petitioner

Versus

State of Punjab and others Respondents

CWP-405-2024

Darshan Singh Petitioner

Versus

State of Punjab and others Respondents

CWP-437-2024

Sahib Singh Petitioner

Versus

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Dhireder Chopra, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. As the issue involved is common, with the consent of

contesting parties, all the captioned petitions are taken up together. For the sake of brevity and convenience, facts are borrowed from CWP-398-2024.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents to consider special pay/special allowance for the purpose of fixation of pension and pensionary benefits.

3. The petitioner on 06.11.1975 joined respondent-department. The petitioner during the service was extended benefit of special pay. The petitioner on attaining the age of superannuation retired from the service on 30.04.2015. The petitioner is getting pension and respondent-department while calculating pension has not taken care of component of special pay.

4. Learned counsel for the petitioner submits that this Court vide judgment dated 31.08.1992 in **Radhe Krishan Sharma v. State of Haryana, CWP No.2239 of 1991** settled the issue. The Court has clearly held that special pay would be included in the salary component while calculating pension. Following the said judgment, a number of writ petitions have been decided by different benches of this Court.

5. Mr. Aman Dhir, DAG, Punjab, who on advance notice is present in Court on behalf of the respondents, does not dispute the fact that case of the petitioner is squarely covered by judgment of this Court in **Radhe Krishan Sharma (supra)** as well as subsequent judgments including judgment dated 27.09.2018 passed by this Court in **Mukhtiar Singh Gill v. State of Punjab and others, CWP No.18727 of 2013.**

6. In view of law laid down by this Court, the respondent is duty

bound to include special pay component in the salary while calculating pension. Despite resolution of the issue in 1992, a number of employees are forced to approach this Court. It is more desirable to extend the said benefit to all the employees than to compel them to approach this Court which is already inundated with litigation.

7. In view of aforesaid facts and findings, the present petitions are disposed of and the respondents are directed to decide claim of the petitioners in terms of judgment passed by this Court in **Radhe Krishan Sharma (supra)**.

10.01.2024
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(JAGMOHAN BANSAL)
JUDGE

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