IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

129+127+130 (3 cases) **CWP-273-2024**
Date of Decision: 09.01.2024

Sukhmander Singh **…Petitioner**

Versus

State of Punjab and others **...Respondents**

With

CWP-248-2024

Satnam Kaur **…Petitioner**

Versus

State of Punjab and others **...Respondents**

And

CWP-285-2024

Virpal Kaur **…Petitioner**

Versus

State of Punjab and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Dhirinder Chopra, Advocate for the petitioners
(in all the petitions)

Mr. Aman Dhir, DAG, Punjab
***

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I attest to the accuracy and
integrity of this order/judgment.

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 No.273 of 2024*.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 12.12.2023 (Annexure P-12) passed by Senior Superintendent of Police, Faridkot-respondent No.5 whereby it has been held that special pay/special allowance cannot be considered for the fixation of pension.

3. The petitioner on 02.08.1982 joined respondent-department as Constable. The petitioner during the service was extended benefit of special pay. The petitioner on attaining the age of superannuation retired from the service on 28.02.2018. 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***

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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 stand disposed of in terms of judgment passed by this Court in ***Radhe Krishan Sharma (supra)***.

(JAGMOHAN BANSAL)
JUDGE

09.01.2024
Mohit Kumar

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

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