



CWP-16332-1993 (O&M)

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

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CWP-16332-1993 (O&M)

Date of decision: 29.05.2024

Gurdial Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioners.

Mr. Arun Gupta, DAG, Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for quashing order dated 09.07.1985, Annexure P-1, whereby additional pensionary gratuity and other benefits were allowed to employees retiring on or after 31.03.1985, however, the petitioners have been denied the same on account of the fact that they retired prior to the aforesaid cut-off. The same very issue came to be decided, which goes in favour of the petitioners as the Division Bench in **Kartar Singh etc. vs. State of Punjab**¹, granted the pensionary to similarly situated employees, the relevant paras whereof read thus:

“The petitioners who were the employees of the Punjab Government, had retired from service before 31.3.1985 on attaining the age of superannuation. The respondent-State of Punjab, vide order dated 9.7.1985 allowed certain additional pensionary and other benefits to those employees who had retired from Service of the State Government on or after 31.3.1985. These instructions in so far as they had spelt out a cut of date of 31.3.1985 were challenged in this Court in a large number of writ petitions. The main judgment was rendered in **Shamsher Singh and others Vs. State of Punjab and others** (C.W.P. NO.6863 of 1986) decided on 18.4.1988 and the imposition of a cut of date was held to be bad and it



was held that all state Governments employees were to be treated alike irrespective of the fact whether they had retired before 31.3.1985 or after that date. C.W.P. No.14763 of 1990 titled **Dr.Asa Singh Vs. State of Punjab** was, therefore, allowed on 22.4.1991 in the same terms. The State of Punjab filed L.P.A. No.756 Of 1991 in Dr.Asa Singh's case which was dismissed on 25.11.1992 and the S.L.P. taken to the Supreme Court too was dismissed vide order dated 13.5.1993. The State Governemant thereafter filed C.M. No.1728 of 1993 in this Court seeking a review of the order dated 25.11.1992 in L.P.A. No.756 of 1991. This application too was dismissed on 20.5.1994 by a Division Bench by passing a speaking order. The State of Punjab again filed a S.L.P. in the Supreme Court limited to the question as to whether D.A. on the enhanced gratuity was also to be paid to those amongst the petitioners who had retired prior to 31.3.1985. Special leave was granted but Civil Appeal No. 6660 arising therefrom was ultimately dismissed on 17.12.1996 by a speaking order with the observations that as Dr. Asa Singh's case had attained finality with the dismissal of the S.L.P., the point in issue stood concluded and could not be reagitated through an application filed in the Supreme Court.

It has been argued by Mr. I.P. Singh, the learned counsel for the petitioners that in the light of the facts set out above, the matter stood finally decided and the controversy set at rest by the Supreme Court and as such these petitions too deserved to succeed.

The learned A.G. Punjab, has, however, pointed out that it had been well settled by a number of judgments of the Supreme Court that gratuity was a one time payment and as such, could not be enhanced in case it was revised after the employee had retired from service and as such these petitions deserved dismissal.

We have heard the learned counsel for the parties and have gone through the file. The points raised by the A.G. Punjab, had been dealt-with by this Court in L.P.A. No. 756 of 1991 and had also been agitated in the Supreme Court not only at the time of filing of the S.L.P. against the said judgment but also by filing a Misc.Application which too was dismissed on 17.12.1996. We therefore, of the opinion that the argument of the learned A.G. Punjab cannot be accepted in the circumstances. We, therefore, allow the writ petitions in the light of the judgment of this court in Dr.Asa Singh's case (supra) and direct the respondents that all the pensionary dues which would become payable to the petitioners on account of this judgment shall be paid to them within six months from date of receipt of copy of this order. No costs.”

(Emphasis Supplied)

2. Learned State counsel, despite his best efforts was unable to



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controvert the factual position and draw out any distinctive aspects in the
aforementioned judgment or cite any contrary law.

3. In view of the aforesaid, the present petition is disposed of in terms of
the judgment passed in **Kartar Singh etc.** (supra).

4. The Registry is directed to send a copy of the judgment to respondent
Nos.1 and 2 for compliance.

(AMAN CHAUDHARY)
JUDGE

29.05.2024

gsv

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