

Present: Mr. K.S Dadwal, Advocate for the petitioner
in CWP Nos.2649, 2319, 12232 and 7078 of 2024.

Mr. Amit Kaith, Advocate for the petitioner
in CWP No.10174 and No.13912 of 2024.

Mr. Charanpreet Singh, AAG Punjab assisted by
Mr. Varun Kakkar, Law Officer,
Ms. Aman Priya, OSD (L) and
Mr. Sharanjit Singh, Senior Assistant.

HARSIMRAN SINGH SETHI, J. (Oral)

Present bunch of six writ petitions involve common question of law in the background of common set of facts and thus they are being decided by a common order.

Learned counsel for the petitioner(s) have approached this Court against the show cause notice which was issued to them after retirement by filing various writ petitions which came up for consideration on 23.03.2023 along with CWP No.24334 of 2015 titled ***Avtar Kaur Vs. State of Punjab*** before a Co-ordinate Bench of this Court wherein, after placing reliance upon the judgment involving identical issue in CWP No.4286 of 2020 titled ***Kapil Dev. and ors. Vs. State of Punjab***, the writ petitions were disposed of in the same terms.

Learned counsel for the petitioner(s) submits that in ***Kapil Dev's case (supra)***, the question as to whether the State should be permitted to refix the salary of the retired employees which would result in reduction of their pensionary benefits, the Court decided that such course of action shall not be a viable solution and held that no action can be taken qua the retired employees but still, the respondents passed a speaking order, copy of which has been appended as Annexure P-10 so as to reduce the salary of the

petitioners as well as consequent pensionary benefits so as to cause prejudice, which is arbitrary and illegal and contrary to the directions given by the Court in *Avtar Kaur's case (supra)* which was decided in terms of *Kapil Dev's case (supra)*.

Learned counsel appearing on behalf of the respondent on instructions from Mr. Varun Kakkar, Law Officer, Ms. Aman Priya, OSD (L) and Mr. Sharanjit Singh, Senior Assistant, submits that the Department is ready to re-consider the issue keeping in view the order dated 25.03.2023 passed by this Court and to pass a fresh order and the impugned orders passed so as to refix the pensionary benefits of the petitioner(s) by refixing their salary be treated as withdrawn with liberty to pass appropriate fresh order within a period of 8 weeks from the receipt of copy of this order.

Learned counsel for the petitioner(s) submits that as the impugned order has already been withdrawn, no further grievance of the petitioner(s) survives but liberty be given that in case, any order causing prejudice to the petitioner(s) is passed, they can avail appropriate remedy in accordance with the law.

Present bunch of petitions are disposed of as not pressed with liberty as prayed for by the respondent-State.

Pending application, if any, also stands disposed of.

Photocopy of this order be placed on the files of other connected cases.

20-09-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO