



LPA-199-2022 (O&M) :1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103 LPA-199-2022 (O&M)
Date of Decision: 11.11.2024

STATE OF PUNJAB AND ANOTHER
....Appellants

VERSUS

PALWINDER SINGH AND OTHERS
....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. R. S. Pandher, Senior DAG, Punjab
for appellants.

Mr. Sunny Singla, Advocate
for the respondents.

LISA GILL, J.(Oral)

1. Prayer in this appeal is for setting aside order dated 18.12.2019, passed by learned Single Bench, whereby CWP-22259-2016 filed by respondents (writ petitioners) has been allowed in terms of CWP No.7239 of 2015 and letter dated 06.01.2015 passed by the Department of Finance Punjab, has been quashed.
2. Learned Single Bench while deciding bunch of 89 cases including the writ petition filed by respondent-writ petitioners directed as under:-

“19. In view of the above, these writ petitions are allowed.

Letter dated 06.01.2015 issued by the Punjab Government, Finance



LPA-199-2022 (O&M) :2:

Department (Finance Pension Policy & Co-ordination Department) is hereby quashed.

20. Since the Division Bench of this Court vide order dated 09.07.2014 passed in LPA No. 1857 of 2013 had set aside the judgment of the Single Judge dated 16.08.2013 to the limited extent of conferring the benefit of the letter dated 15.12.2011 w.e.f. 01.01.2006 with a direction to re-consider the issue and take a fresh decision with regard to the date of implementation of the decision contained in the letter dated 15.12.2011 which cut off date i.e. 01.12.2011, as fixed by State of Punjab in its letter dated 06.01.2015, has been quashed, the employees, who had retired w.e.f. 01.01.2006 and fulfil the requirements of letter dated 15.12.2011, shall be entitled to the benefit of the letter dated 15.12.2011. This is being so held in the light of the fact that the cut off date, as fixed by the State, has failed to pass the test as laid down by the Single Bench in its judgment dated 16.08.2013, which had been upheld by the Division Bench of this Court in its judgment dated 09.07.2014 as reproduced and summarized in the earlier part of this judgment.

21. Let the consequential benefits be released to the eligible petitioners and similarly placed retired employees within a period of four months from today.”

3. Admittedly, writ petitioners in the instant case had all retired before 01.01.2006. Prayer in the writ petition is for directing respondent-Department to revise the pension of said petitioners who had retired prior to 2006 by delinking revised pension from qualifying service of 33 years in terms of memo dated 06.04.2016. No such direction as prayed for has been issued vide impugned order dated



LPA-199-2022 (O&M) :3:

18.12.2019 which gives rise to cause of action to appellants for filing of the present appeal.

4. Learned counsel for appellants as well as respondent-writ petitioners do not deny that no such benefit as claimed in the writ petition was afforded vide impugned order dated 18.12.2019, passed by learned Single Bench, which calls for filing of this appeal.

5. Keeping in view the facts and circumstances as above, this appeal is dismissed being devoid of any merit, Pending application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(DEEPAK GUPTA)
JUDGE

11.11.2024
Rimpal

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