

CWP-12902-2023 & connected cases 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(282)

CWP-12902-2023
Date of Decision : November 28, 2024

Pawan Kumar Kaushal and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(2)

CWP-14571-2023

Inderjit Kaur and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(3)

CWP-14709-2023

Pritam Singh Nagra and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(4)

CWP-16033-2023

Surinderpal Singh and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(5)

CWP-16159-2023

S. Manjit Singh Sekhon and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CWP-12902-2023 & connected cases 2

(6)	CWP-16298-2023	
Gurdev Singh and others		.. Petitioners
	Versus	
State of Punjab and others		.. Respondents
(7)	CWP-18712-2023	
Bant Singh and others		.. Petitioners
	Versus	
State of Punjab and another		.. Respondents
(8)	CWP-15824-2023	
Om Parkash Singla and others		.. Petitioners
	Versus	
State of Punjab and others		.. Respondents
(9)	CWP-19977-2023	
Pritam Kaur and others		.. Petitioners
	Versus	
State of Punjab and another		.. Respondents
(10)	CWP-21944-2023	
Gurcharan Singh Randhawa and others		.. Petitioners
	Versus	
State of Punjab and others		.. Respondents
(11)	CWP-2217-2024	
Tript Kanta and others		.. Petitioners
	Versus	
State of Punjab and others		.. Respondents

CWP-12902-2023 & connected cases 3

(12)	CWP-23313-2023	
Ramesh Kumar and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(13)	CWP-15401-2024	
Hira Singh and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(118)	CWP-29181-2024	
Raghbir Singh and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(132)	CWP-32118-2024	
Sukhdev Singh and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(133)	CWP-32123-2024	
Hardev Singh and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents
(137)	CWP-32150-2024	
Sewak Singh and others	..	Petitioners
	Versus	
State of Punjab and others	..	Respondents

**CWP-12902-2023 & connected cases 4****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sunny Singla, Advocate and
Ms. Riti Aggarwal, Advocate, for the petitioners
in CWP-12902-2023, CWP-14709-2023, CWP-16033-2023,
CWP-16298-2023, CWP-18712-2023, CWP-19977-2023,
CWP-21944-2023, CWP-2217-2024, CWP-15401-2024 ,
CWP-32118-2024, CWP-32123-2024 and CWP-32150-2024.

Mr. Nitin Verma, Advocate, for the petitioners
in CWP-14571-2023.

Mr. Mukesh Arora, Advocate, for the petitioners
in CWP-16159-2023.

Mr. Nitesh Singla, Advocate, for the petitioners
in CWP-15824-2023, CWP-23313-2023 and
CWP-29181-2024.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

Mr. Sanjeev Soni, Advocate and
Mr. Sarthak Soni, Advocate, for respondent No.7
in CWP-23313-2023.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, 17 writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.

2. In the present writ petitions, the grievance of the petitioners is that the recommendation of the 6th Punjab Pay Commission with regard to the method of fixation of pension of pre 2016 pensioners, has not been accepted by the Government, which is causing prejudice to the petitioners.

3. Learned counsel for the petitioners submits that two methods recommended for fixation of the pension by the 6th Pay Commission, should have been adhered by the respondent-State by giving option to the pre 2016 pensioners to opt one of those whereas, on the basis of the comments of the

Finance Department, no such option has been given though, the Department

**CWP-12902-2023 & connected cases 5**

of Finance also realize in its recommendation that the same can invite litigation.

4. Learned counsel for the petitioners further submits that the same two options have been given to the employees who are in service as on 01.01.2016 for fixation of their pay and once the said benefit has been extended to the employees working, the petitioners, who are retired and whose pension is also to be fixed keeping in view their notional pay fixed as on 01.01.2016, the petitioners should have been given option as given to the serving employees for fixing of their pay hence, the said action of the respondents is arbitrary and illegal.

5. Learned counsel for the petitioners submits that after the notification, the Punjab State Power Corporation Limited has also raised the same plea before the Government and the Government has been requested to look into the said aspect and decide whether, pre 2016 retirees are also to be given option, as recommended by the Commission for fixing their pay as on 01.01.2016 and consequential pension or the decision taken by the Government to follow only one method for fixing the pension of pre 2016 retirees, is valid, is pending consideration before the Government as of now.

6. Learned counsel for the respondents submits that in case, any representation/claim is received at the hands of the petitioners and any such request has already been received from the Punjab State Power Corporation Limited, appropriate decision in this regard will be taken by the competent authority by keeping in mind all the relevant factors, within a period of three months from the date of receipt of copy of this order and in case, it is found feasible in all respects to grant the benefit to the petitioners, the same

**CWP-12902-2023 & connected cases 6**

will be granted to them otherwise due reasons will be mentioned in

the speaking order not to accept the claim of the petitioners, which reasons will be conveyed to the petitioners also.

7. At this stage, learned counsel for the petitioners submits that in case, the respondents reject the claim of the petitioners in an arbitrary manner, liberty be given to the petitioners to avail appropriate remedy against the said decision.

8. Learned counsel for the petitioners submits that keeping in view the statement of learned counsel for the respondents, the present writ petitions may kindly be disposed of having been not pressed any further with liberty as prayed for.

9. Ordered accordingly.

10. A photocopy of this order be placed on the file of other connected cases.

November 28, 2024

harsha

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No