



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-13831-2024
Decided on : 31.05.2024

Arun Prabha and another
Versus
Union of India and others
... Petitioner(s)
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sameer Sachdeva, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Petitioners – Arun Prabha, aged about 66 years and Karn Pal Singh, aged about 72 years, have filed the present writ petition for seeking a writ in the nature of *Mandamus*, directing respondent No.2 – Panjab University, Chandigarh, to fix and release the revised pension to the petitioners as per Regulation 4.3 of the Panjab University Employees (Pension) Regulations, 1991.
2. Counsel for the petitioners submits that the petitioners have served for more than 25 years before retiring from their services and they are fully entitled for the monthly pension. Vide order dated **23.10.2023**, passed in **CWP-12440-2021 (O&M)**, titled as, “**Dr. Devinder Kumar Dhawan and others vs. Union of India and others**”, this Court (Punjab and Haryana High Court), observed as under:-

“10. When the case in hand is seen in the light of the legal position indicated above, it is observed that the pensioner form a homogeneous class in itself and the respondents have failed to put forth any circumstance to justify the classification sought to be carved out by them i.e. to say that the petitioners who stood retired prior to date of notification of amended Regulation 4.3 i.e. 08.02.2021 are not entitled to re-fixation of



their pension.

11. *In my considered view, the artificial distinction based on the cut-off date, as sought to be argued on behalf of the respondents, is neither based on any rationale nor is a reasonable classification to carve out a class within a class of the pensioners who retired prior to 08.02.2021 and thus render them as not entitled to the benefits of the amended provision of Regulation 4.3 (as notified in the official Gazette on 08.02.2021). Such a classification would be in the teeth of the judgment rendered in the case of D S Nakara (supra) and would be impermissible in law. Therefore, the petitioners who are pre – 08.02.2021 retirees are entitled to the benefit of re-fixation of their pension(s) based on amended Regulation 4.3 (as notified on 08.02.2021), however the arrears of pension (as per fresh computation) prior to 08.02.2021 are not admissible. The arrears of pension (as per fresh computation) shall be admissible and payable only with effect from 08.02.2021 onwards.*

12. *The respondents are directed to carry out necessary re-fixation of pension of the petitioners and release the same alongwith arrears in terms of the observations made above within a period of three months from the date of receipt/presentation of the certified copy of this order.*

13. *The writ petition is accordingly disposed of in aforestated terms.”*

3. Thus, counsel for the petitioners submits that for their claim, petitioners have already served legal notice dated 22.03.2024 (Annexure P-8), and case of the petitioners be also decided in terms of the judgment of this Court passed in **Dr. Devinder Kumar Dhawan's case (supra)**, as the petitioners are fully entitled for the relief in terms thereof.

4. At this stage, counsel for the petitioners submits that petitioners would be satisfied and would not press the present writ petition, in case a direction is issued to the respondents to decide the legal notice dated 22.03.2024 (P-8), within some stipulated time period.

5. Notice of motion.

6. At this stage, Mr. Vibhor Bansal, Advocate, who is present in Court, accepts notice on behalf of respondent No.1 – UOI and Mr. Subhash Ahuja, Advocate, accepts notice on behalf of respondents No.2 to 5 (Panjab



University)

7. Counsel for respondents No.2 to 5 (Panjab University) submits that he has no objection, if the present writ petition is disposed off by issuing directions to decide the legal notice dated 22.03.2024 (P-8), in a time bound manner.

8. After hearing counsel for the parties and perusing the averments made in the writ petitions, and also the legal notice (P-8) appended with the writ petition, present writ petition is **disposed of** by directing respondents No.2 to 5, to decide legal notice dated 22.03.2024 (P-8), within a period of three months from today i.e. 31.05.2024, by passing a speaking order, after affording an opportunity of hearing to the petitioners.

9. It is also observed that, respondents would examine, whether the claim of pension as raised by the petitioners is covered with the observations already made by this Court in **Dr. Devinder Kumar Dhawan's case (supra)**, and in case contention of the petitioners is found to be correct, then the benefit of pension, which they are claiming; be extended to them without any unnecessary delay.

10. **With aforementioned directions present writ petition stands disposed of.**

(SANJAY VASHISTH)
JUDGE

May 31, 2024

J.Ram

Whether speaking/reasoned: ✓ Yes/~~No~~

Whether Reportable: ~~Yes~~/No ✓