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235 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-20498-2020**Date of decision: 25.07.2024****DARSHAN SINGH AND ORS.****...PETITIONERS****VERSUS****PEPSU ROAD TRANSPORT
CORPORATION****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Vikas Chatrath, Advocate for the petitioners.

Mr. Anil Sharma, Advocate for the respondent.

NAMIT KUMAR, J. (ORAL)

1. The petitioners have approached this Court by filing the present petition, claiming the following reliefs:-

"xxx xxx xxx xxx

(ii) *To issue a writ especially in the nature of Mandamus, directing the respondents to re-fix the revised pay/pensionary benefits of the petitioners w.e.f. 01.01.2006 and direct to release alongwith consequential arrears of revised pension and pensionary benefits, especially by extending benefit of the judgment as laid down in **State of Punjab and others Versus A.P. Sharma and others, 2017(1) SCT 322 DB (Annexure P-10) and Karanvir Singh and others Versus State of Punjab and others, 2016 (4) SCT 715 (Annexure P-11)**, keeping in view the fact that notification vide which the pay scales the employees of the State of Punjab had been revised w.e.f. 01.01.2006 vide notification dated 17.08.2009 (**Annexure P-5**) was adopted by PRTC and thereafter, on the recommendations of the anomaly committee, the pay scales were revised and notified by State of Punjab on 15.12.2011 which was duly adopted by PRTC, claim is also based in view of the order dated*



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29.08.2011 (**Annexure P-3**) passed by Respondent-Corporation, and also the law laid down in **Gujjar Singh and others Versus Chairman, Pepsu Road Transport Corporation and another, 2005 (4) SCT 67 DB** decided on 13.07.2005 (**Annexure P-4**) alongwith order dated 29.05.2018 (**Annexure P-16**), consequently, to hold that petitioners are entitled for benefits of notification issued by State of Punjab on 04.07.2019 (**Annexure P-14**) @ 18% per annum."

2. In pursuance to the notice of motion, the respondent has filed reply by way of affidavit of Punamdeep Kaur, Managing Director, Pepsu Road Transport Corporation, Patiala, wherein it has been stated as under:-

"xxx xxx xxx xxx

4. That the main grievance of the petitioners is that the pay, pay scales and pensionary benefits as granted to the employees/pensioners of State of Punjab was notified on 17.08.2009 (P-5) which was made applicable w.e.f. 01.01.2006 alongwith revised pay scales. Thereafter, the recommendations of the anomaly committee report on 01.12.2011 which were accepted by the State of Punjab were also adopted by PRTC. Consequently, after the judgment rendered by Hon'ble Court State of Punjab and others Versus A.P. Sharma and others, 2017 (1) SCT 322 DB (P-10) and Karanvir Singh and others Versus State of Punjab and others, 2016 (4) SCT 715 (P-11) wherein it was held that the revised pay scales as notified on different dates were made applicable w.e.f. 01.12.2011, same were held to have retroactive benefit. Thereafter, Punjab Govt. has issued notification in purported compliance of above referred judgment on 18.09.2017 (P-13) and 04.07.2019 (P-9), however, same has not been extended to the petitioners, even when the notification dated 17.08.2009 (P-5), and the pay scales which were granted on the recommendations of the anomaly committee and duly accepted by State of Punjab was also duly adopted by PRTC.



5. That at the very outset it is humbly submitted that the notification dated 04.07.2019 issued by the Government of Punjab was put up before the Board of Directors in its 237th meeting held on 21.01.2020. The Board of Directors vide agenda item no. 237.8 adopted the notification dated 04.07.2019 issued by the Government of Punjab.

6. That after the adoption of the notification dated 04.07.2019 with regard to recomputing/revising the pension/family pension, the necessary steps towards release of the arrears were initiated. At the very first instance, the necessary information was furnished to the accounts branch at Head Office level for the purpose of calculating the arrears on account of revision of pension. After that the records of the petitioners was called from the various depots of the corporation for the purpose of considering the service record. The service record of the petitioners is required to be verified in order to release the arrears on account of revision of pay. It is humbly submitted that the petitioners were posted in various depots and as such it took time to get the information from the various depots.

7. That it is humbly submitted that the entire arrears of revised pension on account of adopting the Punjab Govt. Notification dated 04.07.2019 has been released to the eligible petitioners. The details of the arrears of the petitioners in the tabulated form are attached herewith as Annexure R-1.

It is however clarified here that petitioners No.1, 3 and 8 have retired after 30.11.2011 and whereas the notification dated 04.07.2019 is for granting the benefits to the retirees who have retired during the period from 01.01.2006 to 30.11.2011. The pension to petitioners No.1, 3 and 8 is being paid to them according to the pay grade revised during their service tenure and as such their pensions are not required to be revised under this notification.

8. That in view of the above stated facts, it is clear that the relief claimed in the Writ Petition



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been granted to the eligible petitioners and as such the Writ Petition has been rendered infructuous."

3. In view of the stand taken by the respondent-Corporation in the short reply, the claim raised by the petitioners qua release of the arrears has been rendered infructuous. However, learned counsel for the petitioners submits that since, there is a delay in the release of the said benefits, therefore, the petitioners are entitled for grant of interest and for that they shall make a representation within a period of one month from today, which may be considered and disposed of by the respondent-Corporation in a time bound manner.

4. If any such representation is filed by the petitioners, the same shall be considered by the respondent-Corporation within a period of three months thereafter.

5. The present petition is disposed of in the above terms.

25.07.2024

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(NAMIT KUMAR)
JUDGE

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