



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP No. 20867 of 2024
Date of Decision : 28.08.2024

Suresh Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rohit Joshi, Advocate for the petitioner.

Mr. Amarpreet Singh Bains, Asstt. Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is qua the order dated 05.08.2024 (Annexure P-6) which has been passed by the respondents so as to deny the petitioner the benefit of service which the petitioner has rendered in the Privately Managed Government Aided Institution for computing the pensionary benefits after the petitioner retired.

2. Learned counsel for the petitioner submits that the similar relief has already been granted to the similarly situated employees by this Court while passing the order in CWP No. 4629 of 2012 titled as ***Sunil Kumar Sharma and others Vs. State of Punjab and others***, decided on 19.02.2018, which judgment has already been upheld upto the Hon'ble Supreme Court of India and the benefit has already been extended to the petitioners in the said



writ petition, whereas the benefit is not being extended to the petitioner on the ground that the petitioner has approached after retirement.

3. Learned counsel for the petitioner further submits that the delay cannot be seen with regard to the fixing of the pensionary benefits as, the non-grant of entitled pension is a recurring cause and further that as per the Division Bench judgment passed in CWP No. 4382 of 2002 titled as *Satbir Singh Vs. State of Haryana*, decided on 21.03.2002, once a question of law has been settled, all the similarly situated employees are to be extended the said benefit without forcing them to approach the Court so as to seek the relief, which judgment has not been taken into account while passing the impugned order dated 06.08.2024.

4. Notice of motion.

5. On the asking of the Court, Mr. Amarpreet Singh Bains, Asstt. Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that keeping in view the instructions received, the impugned order dated 05.08.2024 (Annexure P-6) be treated as withdrawn with liberty to pass a fresh order on the issue concerned by taking into consideration that the non-grant of entitled pensionary benefits is a recurring cause as well as the judgment of the Division Bench in *Satbir Singh's case (supra)*.

6. Learned counsel for the petitioner submits that in view of the statement of learned State counsel that the impugned order dated 05.08.2024 (Annexure P-6) has been withdrawn, the present petition may kindly be disposed of having been not pressed any further.

7. Ordered accordingly.



8. It may be noticed that the said prayer of the petitioner is to be considered for the grant of pensionary benefits after his retirement and not with regard to the service benefits.

August 28, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No