

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20843 of 2023 (O&M)
Date of decision: 11.03.2024

Ram Krishan
.....Petitioner
Versus
State of Punjab and others
....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rajeev Dev Sharma, Advocate
for the petitioner.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

Mr. Sanjeev Soni, Advocate
and Mr. Tara Dutt, Advocate for respondent No.3.

NAMIT KUMAR J. (Oral)

1. The present petition has been filed by the petitioner for
claiming the following reliefs:-

- “i) Issuance of a writ in the nature of mandamus directing the respondents to pay the complete retrial benefits in all heads along with all retiral benefits to the petitioner arising out of his service along with complete arrears.*
- ii) It is further prayed that the petitioner is also entitled for interest on the delayed payment of all the retiral benefits and other arrears from the date when the same became due, till its realization in view of full bench Judgment of this Hon'ble Court in **A.S. Randhawa Vs. State of Punjab & others reported as 1997 (3) SCT 468.***
- iii) It is further prayed that the petitioner is also entitled for the interest @ 12% p.a. on the delayed payment of all the retiral benefits from the date when it became due, till its realization.*
- iv) To dispense with the filing of certified copies of Annexures attached with the writ petition and may be exempted from filing the legible copies of the same.*

v) *Dispense with the service of advance notice upon the Respondents.*

vi) *Award the costs of the Writ Petition in favour of the Petitioner.”*

2. On issuance of notice of motion, separate replies have been filed on behalf of respondents No.1 and 2 and 3.

3. In the reply filed by respondent No.3, it has been stated as under:-

***“Respectfully Showeth:
Preliminary Submissions:***

1. That the Petitioners have not come to this Hon'ble Court with clean hand and have concealed material information therefore, are not entitled for any relief. It is submitted that present writ petition is not maintainable as the Petitioner has already filed a CWP No. 22492 of 2016 for the same relief and during the pendency of the said writ petition the present writ petition has been filed. The said petition has been allowed by this Hon'ble High Court vide its order dated 30.01.2024 vide which the Respondent have been granted 4 months time to grant the pensionary benefit to the Petitioner under the old pension scheme after adjusting the payments made to him under the New Defined Contributory Pension Scheme.”

4. Since the other writ petition filed by the petitioner i.e. CWP No.22492 of 2016, claiming the same relief has already been allowed by this Court vide order dated 30.01.2024, nothing survives in the present petition and the same is hereby dismissed.

**(NAMIT KUMAR)
JUDGE**

11.03.2024

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No