

CWP-33430-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CWP-33430-2024

Date of Decision :12.12.2024

Harvinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny Singla, Advocate with
Ms. Riti Aggarwal, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, the grievance being raised by the petitioner is qua the order dated 27.08.2024 (Annexure P-9) 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 retirement of the petitioner.

2. Learned counsel for the petitioner submits that the similar claim as raised in the present petition 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



CWP-33430-2024

-2-

being extended to the petitioner on the ground that the petitioner has approached after a long delay.

Learned counsel for the petitioner further submits that the issue of delay cannot be seen while fixation of the pensionary benefits as, the non-grant of entitled pension is a recurring cause and further that as per the judgment of the Division Bench of this Court 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 27.08.2024 (Annexure P-9).

Notice of motion.

On the asking of the Court, Mr. Swapan Shorey, DAG, 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that keeping in view the instructions received, the impugned order dated 27.08.2024 (Annexure P-9) be treated as withdrawn with liberty to pass a fresh order on the issue concerned by taking into consideration that the non-grant of entitled pensionary benefits is a recurring cause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).**

Learned counsel for the petitioner submits that in view of the statement of learned State counsel that the impugned order dated 27.08.2024 (Annexure P-9) has been withdrawn, the present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly

It may be noticed that the said prayer of the petitioner is to be

CWP-33430-2024 -3-

considered for the grant of pensionary benefits after his retirement and not with regard to the service benefits.

December 12, 2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(HARSIMRAN SINGH SETHI)
JUDGE