

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Writ Petition No.7974 of 2010

Date of Decision : May 04, 2010.

Subhash Chander and others

.....*Petitioners*

versus

State of Punjab and another

.....*Respondents*

CORAM : HON'BLE MR.JUSTICE SURYA KANT.

Present : Mr.R.K.Arora, Advocate, for the petitioners.
Mr.B.S.Chahal, DAG, Punjab.

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- 1. Whether Reporters of Local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

Notice of motion.

Mr.B.S.Chahal, Deputy Advocate General, Punjab, accepted
notice on behalf of the respondents.

In view of the nature of the order which I propose to pass,
there is no need to seek any counter-reply from the respondents at this
stage.

The petitioners are retired employees of the Government of
Punjab who seek restoration of the benefit of commutation of their pension
as it existed before the impugned circular/letter dated 29.7.2003 (Annexure
P-6) was issued and which has already been set-aside by this Court in **Civil**

Writ Petition No.15554 of 2007 (Gian Chand Sharma and others versus State of Punjab and others), decided on 21.7.2008.

During the course of hearing, counsel for the parties are *ad-idem* that the writ petition be also allowed in terms of decision dated 30.3.2009 passed in CWP No.7446 of 2008 (**Sohan Singh versus State of Punjab & others**) (Annexure P-9), the operative part of which reads as under:-

“It has been brought to my notice that the aforesaid judgment is the subject matter of challenge before the Hon'ble Supreme Court in SLP No.25856 of 2008, which is still pending and vide interlocutory order dated 7.11.2008, contempt proceedings have been stayed. The issue being covered by the aforesaid Division Bench judgment all these petitions are disposed of in terms of the aforesaid judgment/ratio, referred to above. It is, however, made clear that this order shall remain subject to the outcome of SLP and the petitioner shall be entitled to seek its implementation through contempt or otherwise only on the disposal of the SLP or in the event, the interlocutory order of staying the contempt proceedings is vacated by Hon'ble Supreme Court at any stage.”

The writ petition is accordingly allowed in the above-produced terms.

Ordered accordingly.

Dasti.

May 04, 2010
Mohinder

(SURYA KANT)
JUDGE