



281

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

CWP-21407-2025

Date of decision: 29.10.2025

Joginder Pal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kamal Sehgal, Senior Advocate with
Mr. Charanji Lal, Advocate and
Mr. Ravinder Pankaj, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. Nitin Kaushal, Advocate
for respondents No.2 to 4.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the letter dated 25.03.2025 (Annexure P-34) and further for issuance of a writ in the nature of *mandamus* directing the respondents to pay the monthly pension of the petitioner w.e.f. the date of superannuation of the petitioner i.e. 31.01.2014 as the petitioner superannuated from the respondent-Bank in terms of the pension scheme dated 22.06.1989 (Annexure P-6).

2. The learned senior counsel for the petitioner refers to the impugned order dated 25.03.2025 (Annexure P-34) and submits that the claim of the petitioner has been rejected on the ground that identically circumstanced colleague of the petitioner, namely, Bhupinder Sharma has approached this



CWP-21407-2025

-2-

Court by way of filing CWP No.11845 of 2022 titled as '*Bhupinder Sharma and others Vs. State of Punjab and others*' which was decided by this Court on 25.09.2025. The learned senior counsel has produced the judgment rendered by this Court in ***Bhupinder Sharma's case (supra)*** and submits that this Court has already allowed the aforementioned writ petition and further, the respondent-Bank is compelling each and every employee to approach this Court in spite of the fact that the matter stands settled upto the Hon'ble Apex Court and even the review filed by the respondent-Bank has been dismissed by the Hon'ble Supreme Court.

3. Per contra, learned counsel for the respondents submits that the petitioner is not entitled to pension under the Pension Scheme (Annexure P-6) as he did not exercise the required option or fulfill the eligibility conditions. Further, ***Bhupinder Sharma's case (supra)*** is based on distinct facts and cannot be automatically applied in the present case. Further, the writ petition suffers from delay and laches since the petitioner retired in 2014 and has approached the Court after an inordinate delay.

4. I have heard learned senior counsel for the parties and perused the record of the case with their able assistance.

5. This Court in ***Bhupinder Sharma's case (supra)*** has considered the identical controversy and made the following observations:-

*'11.1. As a matter of fact, the judgment rendered by the Co-ordinate Bench in **Kuldeep Singh (supra)** and further reaffirmed by not only a Division Bench of this Court but also the Hon'ble Supreme Court in **PSCADB vs. RCS (supra)** as well as in review (Annexure P-25). Moreover, the dicta has*



*consistently been declaratory in nature. Thus, there is no scope for the respondent-bank to wriggle out of its liability. A three-Judge bench of the Hon'ble Supreme Court in **Bharat Sanchar Nigam Limited vs. Ghanshyam Dass, (2011) 4 SCC 374**, speaking through Justice A.K. Patnaik, opined as follows:*

“13. The principle laid down in K.I. Shephard (supra) that it is not necessary for every person to approach the court for relief and it is the duty of the authority to extend the benefit of a concluded decision in all similar cases without driving every affected person to court to seek relief would apply only in the following circumstances:

- a) Where the order is made in a petition filed in a representative capacity on behalf of all similarly situated employees;*
- b) Where the relief granted by the court is a declaratory relief which is intended to apply to all employees in a particular category, irrespective of whether they are parties to the litigation or not;***
- c) Where an order or rule of general application to employees is quashed without any condition or reservation that the relief is restricted to the petitioners before the court; and*
- d) Where the court expressly directs that the relief granted should be extended to those who have not approached the court.*

On the other hand, where only the affected parties approach the court and relief is given to those parties, the fence-sitters who did not approach the court cannot claim that such relief should have been extended to them thereby upsetting or interfering with the rights which had accrued to others. In Jagdish Lal and others v. State of Haryana and others 1998(1) S.C.T. 26 : (1997) 6 SCC 538., the appellants who were general candidates belatedly challenged the promotion of Scheduled Caste and Scheduled Tribe candidates on the basis of the decisions in Ajit



Singh Januja v. State of Punjab 1996(2) S.C.T. 278 : (1996) 2 SCC 715., Union of India v. Virpal Singh Chauhan 1995(4) S.C.T. 695 : (1995) 6 SCC 684. and R.K. Sabharwal v. State of Punjab 1995(2) S.C.T. 646 : (1995) 2 SCC 745. and this Court refused to grant the relief saying :

“....this Court has repeatedly held, the delay disentitles the party to the discretionary relief under Article 226 or Article 32 of the Constitution. It is not necessary to reiterate all the catena of precedents in this behalf. Suffice it to state that the appellants kept sleeping over their rights for long and elected to wake up when they had the impetus from Virpal Chauhan and Ajit Singh ratios. But Virpal Chauhan and Sabharwal cases, kept at rest the promotion already made by that date, and declared them as valid; they were limited to the question of future promotions given by applying the rule of reservation to all the persons prior to the date of judgment in Sabharwal case which required to be examined in the light of the law laid in Sabharwal case. Thus earlier promotions cannot be reopened. Only those cases arising after that date would be examined in the light of the law laid down in Sabharwal case and Virpal Chauhan case and equally Ajit Singh case. If the candidate has already been further promoted to the higher echelons of service, his seniority is not open to be reviewed. In A.B.S. Karamchari Sangh case a Bench of two Judges to which two of us, K.Ramaswamy and G.B. Pattanaik, JJ. were members, had reiterated the above view and it was also held that all the prior promotions are not open to judicial review. In Chander Pal v. State of Haryana a Bench of two Judges consisting of S.C. Agrawal and G.T. Nanavati, JJ. considered the effect of Virpal Chauhan, Ajit Singh, Sabharwal and A.B.S. Karamchari Sangh cases and held that the seniority of those respondents who had already retired or had been promoted to higher posts could not be disturbed. The seniority of the petitioner therein and the respondents who were holding the post in the same level or in the same cadre would be adjusted keeping in view the ratio in Virpal Chauhan and Ajit Singh; but promotion, if any, had been given to any of them during the pendency of this writ petition was directed not to be disturbed....” (emphasis added)’



6. In view of the above, the present civil writ petition is disposed of and the respondent-Bank is directed to release all the admissible benefits to the petitioner in terms of *Bhupinder Sharma’s case (supra)* and the judgment rendered by this Court in *Kuldeep Singh and others Vs. State of Punjab and others* in CWP No.21799 of 2010, along with costs of Rs.20,000/- to be paid to the Punjab State Legal Services Authority Disaster Relief Fund.

(HARPREET SINGH BRAR)
JUDGE

29.10.2025
Neha

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