



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

107

CACP-47-2024 (O&M)

Date of Decision: 21.02.2025

Ajoy Kmar Sinha, IAS, Principal Secretary, Department of Finance, Punjab
Civil Secretariat, Chandigarh

...Appellant

Versus

Balwant Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Maninder Singh, Sr. Deputy Advocate General, Punjab.

Mr. Sunny K. Singla, Advocate, for the respondents.

SURESHWAR THAKUR, J. (ORAL)

1. Learned Sr. Deputy Advocate General, Punjab, has placed on record an affidavit sworn by Sh. Ajoy Kumar Sinha, Principal Secretary, Government of Punjab, Department of Finance, wherein, becomes detailed the mode and time plan for liquidating the pensionary claims of the present respondents.

2. However, the learned counsel for the respondents submits, that the plans' spoken in the affidavit sworn by the Principal Secretary, Government of Punjab, Department of Finance, appertaining to the manner of liquidation of the pensionary claims of the petitioners, thus are legally fallible, inasmuch as therein, it becomes expressed that the relevant action takings shall be made on the basis of the ages of the pensioners concerned.



The relevant liquidation as set forth therein, thus, is contended to be completely arbitrary, and therefore, he argues that the stated plan for the disbursement of the pensionary benefits to the pensioners concerned, be not accepted. The learned counsel for the respondents further contends, that the said *inter se* differences created amongst the same homogenous class of pensioners rather is completely discriminatory and is legally not justified.

3. However, since before the Writ Court which became seized of of CWP No.20537 of 2023, the said argument was never raised nor was answered in favour of the petitioners. Consequently, therebys, the raising of the said argument, at this stage, in the present contempt appeal, is, thus, unjustifiable.

4. Paras 6 and 7 of the decision recorded by the learned Single Bench on 20.09.2023, upon, civil writ petition supra becomes extracted hereinafter:-

“6. While this Court is firm that the pensioners ought to be provided their dues in time, the State Government, considering its financial limitations, can take a decision to pay the arrears according to its financial requirements and position. However, this Court is also of the firm view that the State Government ought not to sit over its decision for a long time in the matter.

7. While making the aforesaid observations, this Court is of the view that a writ of mandamus cannot be issued in this case to direct respondents to take a positive decision with regard to payment of arrears of pension, but decision one way or the other can of course be taken by the respondents which the petitioners may submit a joint representation to the



authorities who will take a decision, one way of the other, within a period of 3 months from the date of submission of the said representation.”

5. Even in the above paragraphs, the fact which becomes ear-markedly highlighted, is that, there was some financial crunch besetting the respondents, thus, to forthwith release the pensionary claims of the petitioners and resultantly, in the said supra extracted paragraph of the verdict drawn by this Court, there was, thus, no positive, affirmative and categorical *mandamus* passed upon the respondents concerned, to forthwith release the pensionary claims of the petitioners (respondents in the present appeal).

6. It appears that pursuant to the directions made upon the respondents therein, the consideration order was passed on 26.12.2023. Since the consideration order purportedly appeared to not mitigate the grievance of the petitioners, therebys, COCP-3526-2024, COCP-479-2024, COCP-497-2024 and COCP-1577-2024 were instituted and thereons, the impugned order dated 29.11.2024 became passed. The said passed impugned order becomes extracted hereinafter:-

“In terms of previous order, minutes of meeting held on 27.11.2024 of the Cabinet Sub-Committee under the Chairmanship of the Finance Minister, Punjab has been placed on record. The relevant portion thereof is extracted hereunder:-

“Analysis of the above table depicting a projected overview of the financial outflow reveals that considerable amount of funds have to be disbursed for the purpose of salary, wages and pensions and other retirement benefits of the government employees and pensioners. This has



been holistically reviewed in view of the directions of the Hon'ble Court dated 22.11.2024 in COCP 3526 of 2024 titled as Balwant Singh and others Vs State of Punjab and after due deliberations this Committee is of the considered view that the earlier liquidation plan may be recommended to the Cabinet in the interest of the employees and the pensioners with regard to the practical implementation of the same and to avoid any kind of default in payment in future, in accordance with the plan.

However, in view of the observations of the Hon'ble Court, dated 22.11.2024, the payment plan may be revisited during the year 2026-2027 to see whether the remaining arrears can be paid fully by the year 2027-2028 i.e. early payment indicated for the year 2028-2029”

Considering the fact that the benefits payable to the petitioners were to be released w.e.f. Oct-Nov 2021 and still the said process has not been initiated also expressing apprehension of default in payment in future. Considering the matter in totality, the respondent is directed to file an affidavit of Finance Secretary, Punjab about the detailed expenditure done against advertisements carried out in the print media and electronic media as well as regarding the official/unofficial programmes of the ministers and the elected representatives besides the details of their spending on the advertisements or their welfare schemes since the day of assuming the charge of its office by the present Government i.e. March, 2022.

List on 04.12.2024.

To be shown in the urgent list.

A photocopy of this order be placed on connected case files.”



7. A keen perusal of the supra extracted paragraphs 6 and 7 carried in the verdict drawn by learned coordinate Bench of this Court, in CWP No.20537 of 2023 (supra), does not at all detail therein, qua therebys, there being any categorical, positive or obey-able *mandamus* becoming passed upon the respondents. Though, therebys, no actionable contempt arose in favour of the contempt petitioners (respondents in the instant appeal), yet, the instant contempt petition became instituted before the learned Contempt Bench of this Court. The inference supra that the instant contempt proceedings were mis-launched or were never to be launched, thus, therebys, the instant contempt appeal before this Court, besides also, the orders supra, as made therein, arouse an actionable appealability to the present appellant.

8. The fact that there was no actionable contempt to be raised at the instance of the respondents against the present appellant, wherebys, the impugned order requires becoming quashed, as the same has been passed upon a mis-constituted contempt petition.

9. However, the State of Punjab through its Principal Secretary, Government of Punjab, Department of Finance, has filed a detailed affidavit, wherebys, detailed plans for mitigating the grievances of the pensioners, thus, have been projected. The said drawn plans when, thus, obviously mitigate(s) the claims of the petitioner, therebys, the present appellant is directed to ensure that in the manner detailed in the sworn affidavit, thus, the disbursements of the pensionary claims become made to the writ petitioners.

10. Be that as it may, even if there is any purported *inter se* differences created amongst any purported homogenous class of pensioners,



yet the said does not, thus, in the instant contempt petition, rather provide any actionable cause of action to the present respondents. Moreover, the learned Contempt Bench is directed to close the contempt petition(s) of the writ petitioners, nor shall draw any further action against the present appellant.

11. In the wake of what have been stated above, after allowing the present contempt appeal and after taking on record the affidavit sworn by Sh. Ajoy Kumar Sinha, Principal Secretary, Government of Punjab, Department of Finance, this Court passes a *mandamus* upon the concerned to comply with the plans detailed in the affidavit, hence, for resolving and mitigating the grievances of the writ petitioners.

12. The instant appeal is accordingly closed along with all pending applications.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

February 21, 2025
harish

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