



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

CWP-7841-2021 (O&M)

Date of decision: 19.05.2026

Kamaljeet Sharma

....Petitioners

Versus

Bhakra Beas Management Board and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Raman Sharma, Advocate,
for the petitioner.

Mr. Sachin Mittal, Advocate,
for respondent No.1 (through V.C.).

Mr. Tejinder Pal Singh Walia, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

CM-17396-CWP-2025

This is an application under order 6 Rule 17 read with Section 151 of the Code of Civil Procedure.

Notice of the application was issued to the counsel for the non-applicants/respondents.

Accordingly, the application is allowed, subject to all just exceptions.

Main case

1. Through the instant writ petition, as cast under Article 226/227 of the Constitution of India, the petitioner assails the order dated 07.02.2023 (Annexure P-9), passed by the respondent No.3, vide which, the petitioner was ordered to retire on medical grounds. Further, the order dated 07/09.03.2023 (Annexure P-10), is also put to challenge, whereby, the pay of the petitioner was re-fixed, and the benefit of proficiency step up was granted w.e.f. 01.07.2014, instead of 2010.

2. At the outset, learned counsel for the petitioner has produced a copy of the speaking order dated 15.04.2026, passed by the Chief



Engineer, Headquarter, Department of Water Resources, Punjab, vide which, the impugned order dated 07.02.2023 (Annexure P-9), in terms of the provisions of the Rights of Persons with Disabilities Act, 2016, has since been withdrawn. Consequently, he is considered to have retired w.e.f. 31.03.2026 (the actual date of his superannuation). Additionally, a direction has also been passed upon the respondent-BBMB to release the arrears on account of all admissible retiral benefits. However, it has also been recorded that relief of proficiency step up, on completion of 16 years of service, was not granted in the year 2010, but on 01.07.2014, as per his service record.

3. This Court has heard learned counsel for the parties, and has also gone through the record, including the order dated 15.04.2026, which is taken on record as Mark 'A'.

4. Before proceeding with the matter, it would be expedient to refer to the relevant part of the order (supra), which reads as under:-

“4. Whereas, after examining the matter, the competent authority has come to the conclusion that the orders issued by this office on 07.02.2023 are required to be withdrawn with immediate effect. In normal circumstances, the petitioner was required to the adjusted against the supernumerary post. Whereas, the quashing of impugned office order dated 07/09.03.2023 is concerned, it is pertinent to mentioned here that he had been granted the extra ordinary leave to which 16 year proficiency step up was not given in the year 20 and was granted on 01.07.2014 as per his service record.

5. In view of above, the order dated 07.02.2023 is hereby withdrawn with immediate effect and the petitioner is considered to have retired w.e.f. 31.03.2026. The petitioner would be entitled for arrears and other retrial benefits. These benefits will be drawn by BBMB administration. Therefore, keeping in view the above mentioned facts a



circumstances all retrial benefits will be released to the petitioner at observing usual formalities.”

5. In the wake of the decision, referred to above, the principal grievance of the petitioner already stands redressed, therefore, this Court is not required to delve into the matter. Accordingly, the instant writ petition is **disposed of**, at this stage, with a Mandamus upon both, BBMB and respondent No.3, to, forthwith, release the entire retrial benefits, as admissible to the petitioner.
6. In the event, the petitioner is aggrieved by the decision of non grant of the benefit of 16 year proficiency step up, w.e.f. 2010, he shall be at liberty to file a fresh representation with respondent No.3, delineating the basis of his entitlement w.e.f. 2010. In case, any such representation is filed within a period of one month from today, the authorities concerned, shall consider and decide the same within a period of six weeks therefrom. It is expected from the authorities that before arriving at any decision, they shall keep in mind the miserable condition of the petitioner, having suffered disability.
7. Needless to assert that it is the duty of the parent department to ensure expeditious disbursement of all retrial benefits admissible to the petitioner, in terms of the decision dated 15.04.2026. Further, this Court is sanguine that the Secretary, BBMB, shall extend full cooperation to respondent No.3, enabling it to comply with the abovesaid directions, at the earliest. It goes without saying that in case, there is an inordinate delay in releasing the benefits to the petitioner, he shall also be at liberty to get the instant writ petition revived, by filing an apt motion.
8. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

19.05.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No