2026:PHHC:075531

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

240+241 Date of decision:13.05.2026

CWP-4690-2024

Surjan Singh

.....Petitioner

VERSUS

State Of Punjab and Others

.....Respondents

CWP-4708-2024

Naresh Datta

.....Petitioner

VERSUS

State Of Punjab and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Ankit Midha, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG Punjab-State.

Mr. Himmat Singh, Advocate
for respondents No.2 to 4.

****

HARPREET SINGH BRAR, J. (Oral)

1. With the consent of all the parties, the aforementioned petitions are taken up together and are being decided by this common judgment. However, for the sake of brevity the facts are taken from CWP-4690-2024.

2026:PHHC:075531

2. The present petition has been filed under Articles 226/227 and Article 300-A of the Constitution of India, praying for issuance of a writ in the nature of *certiorari*, for quashing the speaking order dated 19.12.2023 (Annexure P-4) passed by respondent No. 4, being wrong, illegal, unjust, untenable, unsustainable, and violative of the principles of natural justice and for issuance of a writ, order, or direction in the nature of *mandamus* directing the respondents to release the arrears of revised leave encashment and arrears arising out of the revised pay scales under the Punjab Civil Services (Revised Pay) Rules, 2021, adopted by the respondents for implementation of the recommendations of the 6th Pay Commission, along with interest on the delayed payments to the petitioner, as the respondents have retained the said amounts without any valid justification.

2.1. Further, prayer has been made for issuance a writ, order, or direction in the nature of *mandamus* directing the respondents to deposit the employer's share of Employees' Provident Fund (EPF) on the arrears of revised pay scales, along with interest on the delayed payment and for directing the respondents to notify the date and manner in which the arrears of revised pay for the period from 01.01.2016 to 30.06.2021 became payable to the employees, including the petitioner.

3. Learned counsel for the petitioner, *inter alia,* contends that the petitioner got retired as Senior Assistant from Punjab Water Resources Management and Development Corporation Ltd. (hereinafter referred to as

2026:PHHC:075531

"respondent-Corporation") on 31.03.2020. Further, the petitioner approached this Court by filing CWP-18004 of 2023, which was disposed of by this Court with direction to decide the representation made by the petitioner and in purported compliance, the respondent-Corporation passed impugned order dated 19.12.2023 (Annexure P-4) in which the claim raised by the petitioner in terms of the recommendation of 6th Pay Commission has been acknowledged. However, the same has not been paid on the ground that the Government of Punjab had not issued any instruction with regard to the payment of arrears of revised pay/pension and Rs.10,00,000/- has been paid towards gratuity and Rs.5,76,000/- has been paid towards leave encashment.

3.1. Learned counsel for the petitioner further submits that the issue regarding enhanced gratuity is squarely covered by the judgment rendered by this Court in ***Som Nath Vs Punjab State Water Resources Management And Development Corporation Ltd., CWP-22009-2022,*** as petitioner had retired after the amendment carried out in Section 4 of the Payment of Gratuity Act, 1972 on 29.03.2018 (Annexure P-15). As such, the employees, who retired after the issuance of notification enhancing the gratuity amount are entitled to the enhanced gratuity and further the issue regarding the payment of rest of the claims towards revised benefits in terms of 6th Pay Commission is squarely covered by judgment rendered by this Court in ***Nirmal Singh Dhanoa and others vs. Additional Chief Secretary to***

2026:PHHC:075531

Government of Punjab, Department of Finance, Punjab Civil Secretariat, Chandigarh, CWP-7291-2026.

4. Power of Attorney(s) on behalf of the respondents No.2 to 4 have been filed by Mr. Himmat Singh, Advocate, in both the petitions respectively, which are ordered to be taken on record. Registry is directed to place the same at an appropriate place. He refers to the reply filed on behalf of respondents and submits that as and when any decision to pay the arrears of revised pay/pension is taken by the Government of Punjab, the same shall be implemented as it is beyond the jurisdiction of the respondent-Corporation to pay any amount beyond the instruction and guideline issued by the Government of Punjab. Learned counsel for respondents No.2 to 4 is not in a position to controvert the fact that as far as entitlement of the petitioner regarding enhanced gratuity is concerned, the case of the petitioner is squarely covered by judgment rendered by this Court in ***Som Nath (supra)***, and further the issue regarding revised benefits in terms of 6th Pay Commission are concerned, the case of the petitioner is indistinguishable as from that of the petitioners in ***Nirmal Singh Dhanoa and others (supra)***.

5. Having heard learned counsel for the parties and upon perusal of the record with their able assistance, it transpires that the petitioner retired on 31.03.2020, whereas amendment in Section 4 of the Payment of Gratuity Act, 1972, was carried out and notified vide notification 29.03.2018

2026:PHHC:075531

(Annexure P-15) as such, the petitioner is entitled to benefit of enhanced gratuity. In terms of the judgment rendered by this Court in ***Som Nath (supra)***. As far as the release of the revised benefits in terms of the recommendation of 6th Pay Commission is concerned, the case of the petitioner is squarely covered by judgment rendered by this Court in ***Nirmal Singh Dhanoa (supra)***. The respondents have denied the 6th pay Commission's revised benefits only on the ground that no decision in this regard has been taken by the Government of Punjab. This issue has already been settled by this Court in ***Nirmal Singh Dhanoa (supra)***.

6. In view of the above, both the writ petitions are disposed of. The respondent-Corporation is directed to pay the balance amount of the arrears of enhanced gratuity within a period of two weeks along with interest @ 6% per annum, calculated from two months after the date of his retirement till actual realization and further, regarding the revised benefits, both the writ petitions are disposed of in terms of ***Nirmal Singh Dhanoa (supra).***

7. As far as prayer of the petitioner regarding direction to respondents to deposit employer's share in EPF on account of revised basic pay is concerned, he would be at liberty to file a separate representation before the respondent-Corporation which shall be considered in accordance with law and a speaking order thereof would be passed within a period of three months from the date of receipt of certified copy of this judgment.

2026:PHHC:075531

8. Pending miscellaneous application(s), if any, shall also stands disposed of.

9. Photocopy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

13.05.2026
parul verma

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No