



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

Civil Writ Petition No.12048 of 2009

Date of Decision : August 27, 2010.

Jhanda Singh and others

.....*Petitioners*

versus

PEPSU Road Transport Corporation and others

.....*Respondents*

CORAM : HON'BLE MR.JUSTICE SURYA KANT.

Present : Mr.R.C.Chatrath, Advocate, for the petitioners.

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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)

The petitioners are retired employees of the PEPSU Road Transport Corporation, Patiala. They seek quashing of the Circular dated 29.7.2003 (Annexure P-7) pertaining to the benefit of commutation of pension.

It is not in dispute that the aforesaid circular (Annexure P-7) was subject matter of challenge in Civil Writ Petition No.15554 of 2007 (**Gian Chand and others versus State of Punjab and others**), and has been quashed by a Division Bench of this Court vide judgment dated 21.7.2008 (Annexure P-10) with the following directions:-

“...After hearing the counsel for the parties, we are of the considered opinion that this petition deserves to be



allowed and our opinion is further strengthened by the ratio of law, laid down in V.Kasturi's case (supra) which has been followed by Hoshiar Singh's case (supra). The State cannot be permitted to create two categories of retirees by providing a cut off date as there is no rationale.

In view of the above, we allow the writ petition and quash the impugned circular dated 29.7.2003 and restore the pension of the petitioners, in accordance with the revised table, issued as per the Circular dated 31.10.2006 (Annexure P-6).”

The issue involved in this petition is, thus, is squarely covered by the afore-cited judgment.

It has been brought to my notice that the aforesaid decision has been challenged 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. In this view of the matter, though the writ petition is disposed of in terms of the Division Bench judgment in Gian Chand's case (supra), however, with a rider that this order shall also be subject to the outcome of SLP pending consideration before Hon'ble Supreme Court and the petitioners shall be entitled to seek its implementation subject to the final decision by the Hon'ble Supreme Court even if no separate SLP is filed in the present case.

Dasti.

August 27, 2010
Mohinder

(SURYA KANT)
JUDGE