

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1298 OF 2018
(ARISING OUT OF SLP(C) NO.14718 OF 2010)

DARSHAN SINGH & ORS.APPELLANT(S)
VERSUS

THE STATE OF PUNJAB & ORS.RESPONDENT(S)

WITH

C.A. NOS.1300-1306/2018 (@SLP(C) NOS.24367-24373/2010)

C.A. NO.1299/2018 (@SLP(C) NO.22770/2010)

C.A. NO.1307/2018 (@SLP(C) NO.9644/2011)

ORDER

Leave granted.

The appellants herein worked as Class-III or IV employees in various Zila Parishads and Panchayat Samitis in the State of Punjab and they retired from service between 1994 and 1999. The Government proposed introduction of a Pension Scheme in lieu of Contributory Provident Fund Scheme in 1991 which was delayed. Ultimately, the Scheme was introduced in 1999.

The cut off date of 01.07.1999 fixed for implementation of the Pension Scheme was quashed by the High Court. The Government was directed to reconsider the matter keeping in mind that the policy decision was taken on 11.05.1995. The Government reconsidered and decided not to change the cut off date as the financial implication of giving retrospective effect

to the Scheme was huge. According to the Government, the liability for implementation of the Pension Scheme from 1995 would be Rs.18.35 crores.

The Writ Petition filed by the Appellants was dismissed by the High Court on the ground that financial burden on the State exchequer is a relevant consideration and that there was nothing wrong with the decision of the Government.

The High Court refused to interfere in the writ petitions filed by the Appellants on the ground that any relief to be granted to the Appellants would have an impact on the Government exchequer. Being aggrieved by the impugned orders passed by the High Court, the appellants have approached this Court.

We requested Ms. Uttara Babbar, learned counsel appearing for the respondent-State, to obtain instructions about the actual financial liability of the State if the relief as sought for is granted to the surviving Appellants who, according to the senior counsel for the Appellants, are only 100 in number.

A statement has been filed today by Ms. Babbar, learned counsel for the respondent-State in the Court in which it is mentioned that there are 214 persons who are eligible for pension/family pension and the annual liability would be Rs.3.79 crores. The said statement is taken on record and shall form part of this order. All the appellants and the other similarly situated persons totaling 214 retired between

1995-1999.

Mr. P.S. Patwalia, learned Senior Counsel submits that the Appellants retired around 20 years back and they would not claim any arrears of pension if relief as sought for is granted now.

We have examined the matter and we are of the opinion that the Appellants are entitled to be paid the pension. We accept the statement of Mr. Patwalia and hold that the Appellants are entitled for the relief with effect from 01.01.2018. No arrears need be paid. We are informed that Appellants 27(i) and 28(i) died during the pendency of the appeals. Their L.Rs. may make a representation for payment of family pension which would be considered by the Government in accordance with the Rules.

For the aforesaid reasons, the appeals are allowed. The respondents are directed to pay the Appellants and other similarly situated persons, totaling 214, pension in accordance with the relevant Scheme with effect from 01.01.2018. The Appellants are not entitled for arrears before 01.01.2018.

**.....J.
[S. A. BOBDE]**

**.....J.
[L. NAGESWARA RAO]**

**NEW DELHI;
JANUARY 30, 2018.**

ITEM NO.14

COURT NO.7 SECTION IV-B
S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.14718/2010

(Arising out of impugned final judgment and order dated 26-10-2009 in CWP No.19895/2003 passed by the High Court Of Punjab & Haryana At Chandigarh)

DARSHAN SINGH & ORS.

Petitioner(s)

VERSUS

THE STATE OF PUNJAB & ORS.

Respondent(s)

WITH SLP(C) No. 9644/2011 (IV-B), SLP(C) No. 24367-24373/2010 (IV-B)
SLP(C) No. 22770/2010 (IV-B)

Date : 30-01-2018 These petitions were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

Counsel for the parties

Mr. P.S. Patwalia, Sr. Adv.

Mr. Samar Vijay Singh, AOR

Mr. Sarvesh Bisaria, Adv.

Mr. Rahul Sehrawat, Adv.

Mrs. S. Usha Reddy, AOR

Mr. Yash Pal Dhingra, AOR

Ms. Uttara Babbar, AOR

Ms. Akanksha Choudhary, Adv.

Ms. Bhavana Duhoon, Adv.

Mr. Satyapal Khushal Chand Pasi, AOR

Mr. Tilak Raj Pasi, Adv.

Mr. Jagjit Singh Chhabra, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

Pending interlocutory applications, if any, stand disposed of.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASST.REGISTRAR

(Signed Order is placed on the file)