

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

**CWP No.3504 of 2010
Date of Decision: 26.02.2010**

Tejinder Singh and others
Petitioners

. . . .

VS.

State of Punjab and another

. Respondents

CORAM : HON'BLE MR.JUSTICE SURYA KANT

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?

Present: Mr. R.K. Arora, Advocate for the petitioners

Mr. B.S. Chahal, DAG Punjab

SURYA KANT J. (ORAL)

- (1). Notice of motion. Mr. B.S. Chahal, ld. DAG Punjab, who is present in Court, accepts notice on behalf of the respondents. Having regard to the nature of the order which I propose to pass, there is no necessity to call upon the respondents to file any counter-reply at this stage.
- (2). The petitioners are retired employees of the Government of Punjab who are seeking restoration of the benefit of commutation of their pension as it existed before the impugned circular/letter dated

29.07.2003 (Annexure P6) was issued and which has already been set aside by this Court in **CWP No.15554 of 2007 (Gian Chand Sharma and others vs. State of Punjab and others)**, decided on 21.07.2008.

- (3). During the course of hearing, counsel for the parties agree that this writ petition be also allowed in terms of **CWP No.7446 of 2008 (Sohan Singh vs. State of Punjab & others)** decided on 30.03.2009 (Annexure P9), the operative part of which read as under:-

“It has been brought to my notice that the aforesaid judgement is the subject matter of challenge before the Hon’ble Supreme Court in SLP No.25856 of 2008, which is still pending and vide interlocutory order dated 07.11.2008, contempt proceedings have been stayed. The issue being covered by the aforesaid Division Bench judgement all these petitions are disposed of in terms of the aforesaid judgement/ratio, referred to above. It is, however, made clear that this order shall remain subject to the outcome of SLP and the petitioner shall be entitled to seek its implementation through contempt or otherwise only on the event, the interlocutory order of staying the contempt proceedings is vacated by Hon’ble Supreme Court at any stage.”

- (4). The writ petition is, accordingly, allowed in the above-reproduced terms.
- (5). Ordered accordingly.
- (6). **Dasti.**

(SURYA KANT)
JUDGE

26.02.2010

vishal shonkar