

(2013) 10 P&H CK 0180

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 750 of 1994 (O and M)

Jarnail Singh and Others

APPELLANT

Vs

The State of Punjab and Others

RESPONDENT

Date of Decision : 22-10-2013

Acts Referred:

Citation : (2013) 10 P&H CK 0180

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : K.K. Kahlon, for the Appellant; Ranbir Singh Pathania, DAG, Punjab, for the Respondent

Final Decision : Dismissed

Judgement

K. Kannan, J.—The point raised in the writ petition is whether the petitioners, who were retirees before 31st March, 1985, could complain of discrimination in the manner of restriction of additional pensionary benefits/death-cum-retirement gratuity and terminal benefits only to persons, who had retired on or after March 31, 1985. The case had been adjourned to await the decision of a Full Bench of this Court. Both counsel are unable to assist me with any details of the issue as having been covered by any judgment of the Full Bench. The earliest decision in D.S. Nakara and Others Vs. Union of India (UOI), gave a whole spurt of litigation in the manner of application of pensionary benefits where the payment of pension itself was made to depend on the date of retirement and where the Supreme Court had held that all the pensioners formed a homogeneous class and there could be no discrimination in the manner of making provision for grant of pension by applicability of a cut off date. This judgment has been considered in several cases where certain important exceptions have been made and where grant of pension itself is not an issue but some additional benefits were given or revised pension was applied to certain classes of persons to be dependent on a cut off date, the Courts have held that there is no violation of Article 14. This issue was directly in consideration of the recent judgment in Sudhir Kumar

Consul Vs. Allahabad Bank, where the Court was considering the validity of a cut off date for grant of retirement benefits such as gratuity or pension under different schemes and a justification for such fixation on the requirement of additional outlay involved and the financial implications. The Court held that the classification based on a cut off date was valid taking note of several factors including the financial burden involved to a State functionary. The judgment has examined all the decisions that mark exceptions to D.S. NAKARA (Supra). There is no arbitrariness involved and the petitioners are not entitled to any benefits. The writ petition is dismissed.