
(2000) 09 P&H CK 0180

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 12551 OF 1999

Keshwa Nand

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 14-09-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2000) 09 P&H CK 0180

Hon'ble Judges : Bakhshish Kaur, J

Bench : Single Bench

Advocate : Mr. M.S. Bawa, for the Appellant; Mrs. Charu Tuli, DAG, for the Respondent

Judgement

Bakhshish Kaur, J.—The petitioner was appointed a Clerk on 24.2.1960 in Bhakra Dam Administration. As a consequence of re-organisation on the State of Punjab, the petitioner stood statutorily transferred to the Bhakra Management Board (now renamed as Bhakra Beas Management Board, in short "BBMB"). He was, however, allocated to the services of Punjab State Irrigation Department by virtue of the provisions of Section 82 of the Re- organisation Act. He continued to work in the BBMB right upto the date of his retirement i.e. 28.2.1998.

2. The point in controversy is not much in dispute. A Division Bench of this Court in the case of Nirmal Singh and others v. State of Punjab and others, CWP No. 6768 of 1996 : 1996(1) SCT 829 (P&H), has held that the employees of the Punjab Government who retired from service while serving in BBMB will be entitled to the grant of pensionary benefits on the basis of the last pay drawn in the BBMB. The decision rendered in the CWP No. 6768 of 1996 was challenged by the State of Punjab by filing a SLP No. 10098 of 1997 titled as State of Punjab and another v. Nirmal Singh and another. The Apex Court affirmed the order of this Court and while disposing of the special leave petition, held as under :-

"We have heard the learned counsel for the parties.

In the right of the statutory scheme of Section 79(4) of Punjab Re- organisation Act, 1968 (hereinafter referred to as the Punjab Rules) especially Rule 2.21, Rule 10-2(a), Rule 6.19-C which is to be read with Rule 2.44 of the Punjab Rules it becomes clear that those erstwhile employees of the State of Punjab who had on the appointed date i.e. 1.11.1966 stood statutorily transferred to the Bhakra Beas Management Board (hereinafter referred to as "the Board") and who ultimately retired from the Board while serving in the Board will be governed by the impugned orders of the High Court and will have to be paid pension according to the last pay drawn by them at the time of the retirement from the Board. We make it clear that we confirm the decision of the High Court only to the aforesaid extent and as all the contesting respondents fall within this category of cases the special leave petitions are dismissed.

We make it clear that the learned counsel for the petitioners has made a clear statement that on 1.11.96 all the respondents statutorily transferred to the Board have retired from the Board. The decision of the High Court in their favour is being confirmed on mat basis. The pension dues of the respondents as per the scheme of the Act will have to be paid by the State of Punjab and not by the Board which is merely a disbursing agency."

3. The case of me petitioner is squarely covered under the decisions rendered in CWP No. 6768 of 1996 and SLP No. 10098 of 1997. This writ petition is, therefore accepted and disposed of in terms of the orders passed by the Apex Court in SLP No. 10098 of 1997. The pension of the petitioner shall be released as per last pay drawn by him within 4 months from the date of receipt of the copy of this order.

4. The writ petition is accordingly disposed of.

5. Petition allowed.