

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

M.A. No.2673 of 2019

In

Civil Appeal No.1298 of 2018

Darshan Singh & Ors.

.... Appellant(s)

Versus

State of Punjab & Ors.

.... Respondent (s)

O R D E R

1. A pension scheme was proposed by the Government of Punjab in lieu of Contributory Provident Fund in the year 1991 which was ultimately introduced in 1999. The cut off date fixed for implementation of the pension scheme is 01.07.1999. The request made for altering the cut off date was not accepted by the Government on the ground that there would be huge financial burden on the State exchequer. The Writ Petition filed for implementation of the pension scheme from 1995 was dismissed by the High Court. Civil Appeal No.1298 of 2018 was filed challenging the legality and validity of the judgment of the High Court.

2. This Court directed the learned counsel for the State of Punjab to obtain instructions about the actual financial liability of the State as the learned Senior Counsel for the Appellants

submitted that only 100 eligible employees are surviving. After obtaining instructions, Ms. Uttara Babbar, learned counsel for the State submitted that there are 214 persons who are eligible for the pension/family pension and the annual liability of the State would be Rs.3.79 Crores. While recording the submissions of Ms. Uttara Babbar that the persons who retired between 1995 and 1999 would be eligible for the benefit of the scheme is 214, a direction was given by this Court to pay pension in accordance with the scheme to 214 persons w.e.f. 01.01.2018. It was made clear in the judgment dated 30.01.2018 that the Appellants would not be entitled for arrears prior to 01.01.2018.

3. M.A. No.2673 of 2019 is filed for a clarification of the judgment dated 30.01.2018 as the Appellants were not granted pension though their names are found in the list of 214. It has been stated in the M.A. that Applicant No.1 retired on 30.04.1994 and the Applicant No.2 retired on 20.09.1997. The reasons given by the Government for not granting the benefit of the scheme is that Appellant No.1 retired prior to 11.05.1995. The persons who are included in the list of 214 names given by the Government cannot be deprived of the benefit of the scheme on any ground whatsoever. We see no merit in the contention of Ms. Uttara Babbar, learned counsel for the State that only those persons who retired from service

between 11.05.1995 and 30.06.1999 shall be eligible for the benefit of the pension scheme. The Civil Appeal was allowed on the statement made by Ms. Uttara Babbar on instructions obtained from the State Government that 214 persons are eligible for the benefit of the pension scheme.

4. M.A. No.2673 of 2019 is disposed of by clarifying the judgment dated 30.01.2018 in Civil Appeal No.1298 of 2018 that all the 214 persons who are included in the list prepared by the State Government are entitled for grant of benefit in accordance with the pension scheme.

5. M.A. No.2673 of 2019 in Civil Appeal No.1298 of 2018 is disposed of accordingly.

.....CJI.
[S.A. BOBDE]

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

.....J.
[VINEET SARAN]

**New Delhi
January 22, 2021.**