

(b) If any money or benefit is made over to the concerned respondents in COCP Nos.3612 & 3801 of 2017, the same shall be subject to the final result in LPA No.2388 of 2017.

We give liberty to the State to make an appropriate application and to have the aforesaid LPA No.2388 of 2017 to be pre-poned and get it listed before 6th January, 2020."

Soon thereafter, about 698 persons claiming themselves to be similarly situated sought enforcement of the aforesaid order dated 19.08.2019 by initiating contempt proceedings in the High Court. It appears that 59 other writ petitioners also approached the High Court.

In the aforesaid circumstances, present Miscellaneous Application has been moved by the State submitting *inter alia* that (i) various directions have been issued by Single Judges of the High Court while hearing the contempt petitions as a result of which the State's interest is now being put to prejudice though the challenge before the Division Bench in the form of L.P.A. No.2388 of 2017 is still pending consideration; and, (ii) in certain matters, orders have been passed by the Single Judges of the High Court directing that the money be disbursed to the persons who claim themselves to be similarly situated, subject to the result of the pending L.P.A. No.2388 of 2017.

The issue has been detailed in para 15 of the application as under:

"While there are only 59 writ petitioners in the High Court and 25 contempt petitioners in all COCPs, direction no.(a), benefit is to be released to in terms of the order of the Ld. Single Judge, which would extend to all pre-01.01.2006 retirees. Under the directions of the Ld. Single Judge, the benefit would go to 507 retirees (excluding 59 writ petitioners) by way of revised pension/family pension. Any direction to pay the amounts as per the order of the Ld. Single Judge to all beneficiaries would cause tremendous financial hardship on the State exchequer to the tune of Rs.6692.40 Lakhs initially by way of arrears to 507 retirees. Besides above, there is one more Directorate in Punjab Government i.e. office of the Director Research and Medical Education (DRME), which is having 191 pre-01.01.2006 retirees who are also eligible for benefit under order of the Ld. Single Judge. Out of 191, 40 retirees have filed COCPs. The liability of arrears for these 191 retirees is Rs.2521.20 Lakhs making the total liability for 698 (excluding 59 already paid) pensioners at approximately Rs.10500 Lakhs. As regards the recurring liability, almost all of the pensioners have retired from Grade Pay of Rs.8600 and recurring liability for all 757 retirees will come out to Rs.1295.40 Lakhs annually which will be revised upwards every 6 months on revision of Dearness Allowance."

This application came up for hearing before this Court on 13.10.2020 when following order was passed:

"Mr. K.V. Viswanathan, learned Senior Advocate submits that about 757 persons claiming themselves to be similarly situated are seeking enforcement of the order dated 19.08.2019 passed by this Court through applications for initiation of contempt proceedings, though none of those 757 persons was party to the proceedings dealt with by this Court.

Ms. Jaikriti S. Jadeja, learned counsel submits that she appears on behalf of seven such persons who have filed the contempt applications.

Let details in that behalf be furnished by Ms. Jaikriti S. Jadeja, learned counsel within two days. She is also entitled to enter appearance on behalf of those seven persons.

List the matter for further consideration on 16.10.2020."

When the matter was taken up, Ms. Jaikriti S. Jadeja, learned Advocate submitted that the instructions having been received quite late, no details could be filed in the Court but showed her willingness to go on with the matter.

We heard Mr. K.V. Viswanathan, learned Senior Advocate for the State and Ms. Jaikriti S. Jadeja, learned Advocate on behalf of seven persons who have filed contempt applications.

It is accepted that in various matters, orders have been passed that the money be disbursed subject to the result in L.P.A. We have also been given to understand that the L.P.A. is listed before the High Court on 26.10.2020.

In the circumstances, we request the High Court to consider taking up the pending L.P.A. for disposal at an early date. Pending such consideration, we direct as under:

- a. Till the disposal of the L.P.A., the State shall not be obliged to disburse any sum to any person (apart from those who were parties in SLP (Civil) No.7730 of 2019) who claims to be similarly situated;

- b. Even if any Undertaking was given on behalf of the State that the money would be disbursed to a particular claimant, such Undertaking shall remain in abeyance till final disposal of L.P.A. No.2388 of 2017.
- c. Similar directions shall apply in case of 59 Writ Petitions preferred by other Writ Petitioners; in that no disbursement be made till disposal of said L.P.A. No.2388 of 2017.
- d. In case any money has actually been disbursed, such disbursement shall also be subject to the final outcome of L.P.A. No.2388 of 2017.

In the end, we must say that whatever has been stated in this Order shall not be construed as reflection on merits of the submissions advanced on behalf of the State and the pending L.P.A. will naturally be considered purely on its own merits.

With the aforesaid observations, this Miscellaneous Application is disposed of.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(PRADEEP KUMAR)
BRANCH OFFICER