



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

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**CWP-13034-2026 (O&M)
Date of decision: 29.04.2026**

Amarjit Singh Walia and others

....Petitioners

Versus

The State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vipul Aggarwal, Advocate
and Mr. Karan Rana, Advocate
for the petitioners.

Mr. Amit Shukla, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned Circular dated 29.07.2003 (Annexure P-5) vide which the table calculation of Commutation of pension was replaced to the disadvantageous position of petitioners who retired on or after 31.07.2003 in an illegal and arbitrary manner as the same was restored for those who retired w.e.f. 31.10.2006 vide Circular dated 31.10.2006 (Annexure P-6) and had already been set-aside by this Court in a bunch matter pronounced on 23.12.2025 in **CWP No.15554 of 2007** titled as ***Gian Chand and others vs. State of Punjab and others*** (Annexure P-8). Further a writ of *mandamus* has been sought, directing the respondents to pay lump-sum payment payable to the petitioners on commutation of pension in accordance with the Table



which was existing before the issuance of the Circular dated 29.07.2003 (Annexure P-5) and was restored vide Circular dated 31.10.2006 (Annexure P-6).

2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners are retired employees of erstwhile Punjab State Electricity Board (PSEB) now Punjab State Power Corporation Limited (PSPCL) and superannuated on different dates between 31.07.2003 to 30.10.2006. The pension of the petitioners is governed by Punjab Civil Services Rules, Volume II as adopted by erstwhile Punjab State Electricity Board (PSEB) on 16.07.1998 (Annexure P-2). Further, Rule 11.5 of Punjab Civil Services Rules, Volume II prescribes commutation of value table as is evident from Annexure P-3. The Government of Punjab issued a Circular dated 21.07.1998, permitting commutation of 40% of basic pension and thereafter, the impugned Circular dated 29.07.2003 (Annexure P-5) was issued by Government of Punjab, whereby a new table prescribed the calculation of commutation of pension by replacing the existing table. Thereafter the Government of Punjab has issued another Circular dated 31.10.2006 (Annexure P-6) along with a commutation table vide which the existing table (Annexure P-5) was revised/changed and the table contained in Annexure P-3 was substituted. Accordingly, the position with regard to commutation value of pension was brought back to the position as it existed prior to 31.07.2003 and the table was made applicable to all cases of retirement arising on or after 31.10.2006. Feeling aggrieved, the identically placed



employees have approached this Court by filing **CWP-15554-2007** and other connected matters, titled as ***Gian Chand and others vs State of Punjab and others*** (Annexure P-8), which was allowed by the Division Bench of this Court on 23.12.2025, by setting-aside the Circular dated 29.07.2003.

3. *Per contra*, learned State counsel opposes the submissions made by learned counsel for the petitioners and submits that the Division Bench of this Court in ***Gian Chand's case (supra)***, has duly examined the impact of the Circular dated 29.07.2003 issued by the Government of Punjab and consciously restricted the relief only to the petitioners appearing before it and declined to quash the Circular in rem. He further submits that the Division Bench of this Court in the said judgment has categorically held that similarly situated employees who did not approach the Court cannot claim the benefit of the said judgment, especially when they were well aware of their rights. Learned State counsel further argues that the present petitioners are fence-sitters who have approached this Court after an inordinate delay of nearly two decades only upon the pronouncement of the judgment in ***Gian Chand's case (supra)***.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. The short question that arises for consideration is whether the benefit of the judgment dated 23.12.2025 passed in ***Gian Chand's***



case (supra) can be extended to the present petitioners, who were not parties to the said proceedings.

6. A perusal of the aforesaid judgment reveals that the Division Bench of this Court, while considering the effect and impact of the Circular dated 29.07.2003, has expressly confined the relief only to the petitioners appearing before it. The Division Bench of this Court in ***Gian Chand's case (supra)*** did not quash the Circular dated 29.07.2003 in its entirety and instead clarified that the same would not apply to those petitioners alone. It has further been observed that other similarly situated employees, who did not approach the Court, cannot be granted relief, particularly when they were well aware of their rights and chose not to agitate the same. The operative part of the said judgment, reads as follows:-

32. Considering the above mentioned cascading impact of quashing the impugned Circular, the petitioners fought for their rights, while other similarly situated pensioners did not, indicating they had no grievance. A writ can only be issued if there is a grievance, and since the other pensioners in similar positions, apart from the petitioners, did not seek any writ, we are not inclined to decide their rights ourselves, as they were not uneducated or downtrodden people but educated and aware government employees. Therefore, the impact is limited to the present petitions only for the petitioners.

33. We are only considering the scope and impact of the Circular for the petitioners before us, not for others, including those who are or were fence-sitters and never lodged any grievances.



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34. *Without making any further statements or judgments, justice would be served if it is clarified that the Circular dated July 29, 2003, shall not apply to the petitioners in the present writ petitions.*

35. *Given the above, there is no need for this court to quash the circular itself because many employees to whom it would have applied never challenged it. Moreover, if any commutation is awarded to them, then it must be recovered till date as more than 19 years period has already elapsed. If they had any grievances, they would no doubt have sought redress, but they did not. This court does not intend to dispense justice on its own; instead, justice occurs naturally, because it is not a matter involving illiterate villagers or uneducated individuals, but rather well-educated government employees familiar with the rules and their consequences. Therefore, for these reasons, we are not commenting on the validity but clarifying that the Circular dated July 29, 2003 shall not be applicable to the petitioners. The amount the petitioners had commuted will be re-evaluated and counted according to the old table that was in effect on July 28, 2003, not the table that came into force with the Circular dated July 29, 2003.*

36. *For the reasons stated above, the present writ petitions are allowed to the extent that the impugned Circular dated July 29, 2003 will not apply to the petitioners. The respondent State is directed to recalculate its commutation accounts and make payment of the excess amount by March 31, 2026. All pending applications, if any, stand disposed of.*

7. In the present case, the petitioners are admittedly retired between 31.07.2003 and 30.10.2006 and they accepted the commutation



of pension calculated under the impugned Circular dated 29.07.2003 without raising any objection at that time. The subsequent Circular dated 31.10.2006, vide which the earlier position was restored, was made applicable prospectively and did not grant any benefit to the petitioners. The present petition has been filed only in the year 2026, i.e., after an inordinate and unexplained delay of nearly two decades from the issuance of the Circular dated 29.07.2003 and also long after the Circular dated 31.10.2006. The petitioners, therefore, clearly fall within the category of fence-sitters, who have approached this Court only after the decision in ***Gian Chand's case (supra)*** in an attempt to claim parity.

8. It is a settled proposition of law that relief granted in writ jurisdiction is ordinarily confined to the parties appearing before the Court unless specifically extended to others similarly situated persons. In the instant case, the Division Bench of this Court has expressly restricted the applicability of its judgment and has declined to grant any general relief, therefore, this Court finds itself bound by the said limitation.

9. Moreover, entertaining such belated claims would not only defeat the principle of finality but would also open the floodgates for stale claims, leading to serious administrative and financial repercussions for the State. The Division Bench of this Court in ***Gian Chand's case (supra)*** has already taken note of such cascading consequences while granting limited relief in that case.



10. In view of the above, this Court is of the considered opinion that the present petitioners are not entitled to the benefit of the judgment rendered by the Division Bench of this Court in ***Gian Chand's case (supra)*** and, thus, no ground for interference in exercise of writ jurisdiction under Articles 226/227 of the Constitution of India, is made out.

11. Consequently, the present petition is dismissed.

12. Pending applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

29.04.2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No