



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

231

Date of decision: 25.09.2025

1. CWP-11845-2022 (O&M)

Bhupinder Sharma and others

....Petitioners

Versus

State of Punjab and others

....Respondents

Case No.	Petitioner(s)	Respondent(s)
2. CWP-17627-2022	Narinder Mohan Sharma and others	State of Punjab and others
3. CWP-17699-2022	Ragho Ram and others	State of Punjab and others
4. CWP-20266-2022	Pradeep Kumar Kalia and another	State of Punjab and others
5. CWP-28213-2023	Gurpreet Singh and others	State of Punjab and others

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. D.S. Patwalia, Senior Advocate
with Mr. Gauravjit Singh Patwalia, Advocate
and Mr. Lagan K. Sidhu, Advocate
for the petitioner(s)
in CWP Nos.11845, 17627, 20266 of 2022
and CWP No.28213 of 2023.

Mr. Shreenath Khemka, Advocate
for the petitioner(s) in CWP-17699-2022.

Mr. Vikas Sonak, AAG, Punjab.

Mr. Aakash Sharma, Advocate
and Mr. Arshdeep Singh, Advocate
for respondents No.2 and 3 in CWP-11845-2022.

**HARPREET SINGH BRAR J. (Oral)**

1. Vide this common order, I intend to dispose of CWP Nos.11845, 17627, 17699, 20266 of 2022 and CWP No.28213 of 2023, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CWP-11845-2022.

PRAYER

2. The writ petition (CWP-11845-2022) has been preferred under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to pay monthly pension to the petitioners w.e.f. their date of retirement from the respondent-Bank, in terms of Pension Scheme dated 22.06.1989 (Annexure P-1).

FACTUAL BACKGROUND

3. Tersely put, the facts are that the petitioners are retired employees of the respondent-Punjab State Cooperative Agricultural Development Bank and are governed by the Punjab State Cooperative Agricultural Land Mortgage Bank Service (Common Cadre) Rules, 1978 (hereinafter 'Rules of 1978'). Prior to the year 1989, the employees of the respondent-Bank were also covered by Employees Provident Fund and Miscellaneous Provision Act, 1952 (hereinafter 'PF Act') and regular contributions were being made by both of them. Subsequently, vide resolution bearing No.24 dated 22.06.1989 (Annexure P-1), the Administrator of the respondent-Bank decided to introduce a new Pension Scheme w.e.f. 01.04.1989. The same was also



approved by the Registrar, Cooperative Societies, Punjab (hereinafter 'RCS') under the Rules of 1978 vide memo No.886 dated 07.02.1990 (Annexure P-2). In furtherance of the memo dated 07.02.1990, the Rules of 1978 were amended and Rule 15(ii) was introduced, authorizing the Board of Directors to formulate a Pension Scheme with approval of the RCS.

4. Further, the contributions made by the employees as well as the respondent-Bank were transferred to create Trust, a pension corpus fund, vide deed dated 24.03.1993 in order to ensure viability of the Pension Scheme. However, relaxation was granted to the respondent-Bank by the Regional Provident Fund Commissioner (RPFC) under Para 28(7) of the Employees Deposit Link Insurance Scheme, 1976 with regards to implementation of the Pension Scheme. However, since the respondent-Bank failed to constitute a Board of Trustees, the relaxation was withdrawn vide order dated 12.04.1993 (Annexure P-4). Aggrieved by the same, the respondent-Bank approached this Court by way of **CWP-4896-1993** titled **Punjab State Cooperative Agricultural Development Bank vs. Regional Provident Fund Commissioner and another**, wherein vide order dated 18.07.2007 (Annexure P-5), the order dated 12.04.1993 (Annexure P-4) was set-aside and the RPFC was directed to reconsider the matter and pass a fresh speaking order.

4.1. Notably, the employees of the respondent-Bank had been contributing towards the Pension Scheme w.e.f.01.04.1989 itself. However, the Board of Directors, in its meeting dated 29.05.2010,



reconsidered the matter after 21 years and decided that the Pension Scheme will not be applicable to employees employed on or after 01.01.2004. This act of the respondent-Bank was also refused approval by the RCS. Regardless, the respondent-Bank stopped paying pension to its employees in terms of resolution dated 29.05.2010. After much litigation, vide order dated 24.02.2011 (Annexure P-7), it was discovered that the respondent-Bank was paying full pension up to 31.03.2010. However, due to inadequacy of funds, the pensions could not be paid at full rate. The same was challenged before this Court and vide order dated 26.07.2012 (Annexure P-8) a comprehensive scheme to resolve the issue was called for. In pursuance of the aforesaid order, the Board of Directors passed a resolution dated 17.08.2012 wherein it was decided to discontinue the Pension Scheme and revert to the contributory provident scheme with a proposal of one-time settlement.

CONTENTIONS

5. Learned Senior counsel for the petitioners (in CWP Nos.11845, 17627, 20266 of 2022 and CWP No.28213 of 2023), contends that the petitioners were employees of the respondent-Bank who had specifically opted for the Pension Scheme and had been contributing towards it. Further, the respondent-Bank had amended the Rules of 1978 to give the Pension Scheme a statutory character. Therefore, at such a belated stage, the respondent-Bank cannot take the shelter of financial constraints to deny pensionary benefits to the petitioners. The case of the petitioners is also covered by the judgment



rendered by a Coordinate Bench of this Court in ***Kuldeep Singh and others vs. State of Punjab and others*** in ***CWP-21799-2010*** wherein it was categorically declared that all the employees who had opted for the Pension Scheme would be entitled to regular pension including revised rate of dearness allowance. In order to circumvent the implication of ***Kuldeep Singh (supra)***, the respondent-Bank vide memo dated 11.03.2014 (Annexure P-15) retrospectively deleted the Pension Scheme from the Rules of 1978 from its inception i.e. w.e.f. 01.04.1989. Further, the judgment in ***Kuldeep Singh (supra)*** was also reaffirmed by a Division Bench by way of ***LPA-1988-2013*** titled ***The Punjab State Cooperative Agricultural Development Bank Ltd., Chandigarh vs. The Registrar, Cooperative Societies, Chandigarh and others***. As a matter of fact, the issue is settled till the Hon'ble Supreme Court wherein vide ***The Punjab State Cooperative Agricultural Development Bank Ltd., Chandigarh vs. The Registrar, Cooperative Societies, Chandigarh and others Civil Appeal No(s). 297-298 of 2022 arising out of SLP (Civil) No(s). 1940-1941 of 2020*** decided on 11.01.2022 (*hereinafter 'PSCADB vs. RCS'*) it was held that lack of financial resources would not be a defence available to the respondent-Bank and that the amendment dated 11.03.2014 (Annexure P-15) is violative of Articles 14 and 21 of the Constitution of India.

6. Learned counsel for the petitioners (in CWP-17699-2022) submits that the petitioners became members of the Pension Scheme when they opted for the same. Further, the petitioners fulfill the



qualifying service for the grant of full pensionary entitlement as per Rule 6.16A of the Punjab Civil Services Rules Volume II and therefore, receiving said pension is a matter of vested right. The petitioners had long retired prior to the judgments rendered by the Division Bench or the Hon'ble Supreme Court, as such, it would be violative of their rights under Article 14 and 21 of the Constitution of India as well as the principles of natural justice to deny them pensionary benefits.

7. *Per contra* learned counsel for respondent-bank contends that the present petition is not maintainable as the respondent-Bank, being a Cooperative Bank, is not covered under the definition of State in terms of Article 12 of the Constitution of India. Further, the Pension Scheme was deleted from the Rules of 1978 by means of amendment dated 11.03.2014 and the PF Act was made applicable to the employees again. Since the said amendment, 117 petitioners have retired out of which 103 petitioners applied for the employer's share of the provident fund in accordance with the PF Act. Out of the said 103 petitioners, 65 have also been issued Pension Payment Orders (PPOs) by the RPFC and are regularly drawing pension. 12 out of the remaining 14 petitioners opted not to participate in the one-time-settlement scheme while petitioners-Didar Singh and Kuldeep Singh withdrew their names from the instant writ petition. He further submits that the respondent-Bank has duly disbursed the pension and arrears to the class of employees who retired prior to the said amendment. However, the petitioners are not entitled to the same relief as they retired post amendment, as the



same is prospective in nature. The amendment has neither been declared arbitrary nor unreasonable by the Hon'ble Supreme Court vide its judgment dated 11.02.2022 as such, the petitioners cannot be said to have a vested right under the Pension Scheme.

OBSERVATIONS AND ANALYSIS

8.1. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that a Pension Scheme was introduced for employees of the respondent-Bank by amending the Rules of 1978 and inserting Clause (ii) to Rule 15 which reads as follows:

*"15. (i) **Provident Fund:-** The employee shall be entitled to the benefit of the General Provident Fund as provided in the employees Provident Fund Act, 1952 and scheme framed thereunder.*

(ii) The pension scheme for the employees/ officers in the Common Cadre Rules of the Punjab State Cooperative Agricultural Development Bank w.e.f.1.4.89.

1. Short title and commencement:-

(i) The rules shall be called, the Punjab State Cooperative Agricultural Development Banks Employees Pension Family Pension and General Provident Fund Rules.

(ii) These Rules shall come into force with effect from 1.4.89.

2. Application:-

(i) These rules shall apply to all the posts in the services specified in the Appendix 'T' of the Common Cadre Rules, provided that in case of the employees appointed by transfer from Government Departments, these rules shall only apply to the extent specified in their terms and conditions of deputation agreed upon with Government Department concerned.



Provided further that nothing in these rules shall affect the application of any other law, statutory rules, bye-laws and regulations for time being in force.

Provided further that an employee who joins service on or after coming into force of these rules and such existing employees, who opt for these rules, shall be covered by these rules. All category of employees shall have to exercise this option in Form-A to these rules within three months from the date of notification of these rules.

(ii) The employees who do not opt for these rules shall be governed by the Employees Provident Fund Act and Rules."

8.2. However, the Pension Scheme was deleted by means of amendment dated 11.03.2014. The relevant part of memo dated 11.03.2014 is reproduced below:

"After examining the proposal and the legal opinion sent by the Bank. In exercise of powers vested vide Section 84A(2) of the Punjab Cooperative Societies Act 1961, Registrar Cooperative Societies, is pleased to allow the following amendments in the Punjab State Cooperative Agricultural Development Bank Service Common Cadre Rules 1978 as under:

Rule	Existing	Amended
15	<i>(i) PROVIDENT FUND The employees shall be entitled to the benefit of the General Provident Fund as provided in the employees Provident Fund Act, 1952 and scheme framed thereunder.</i>	<i>(i) The employees shall be entitled to the benefits of the Contributory Provident Fund as provided in the Employees Provident Fund & Miscellaneous Act, 1952 and schemes framed thereunder.</i>
	<i>(ii) THE PENSION SCHEME FOR THE EMPLOYEES/ OFFICERS IN THE</i>	<i><u>(ii) Deleted.</u></i>



	<p><i>COMMON CADRE RULES OF THE PUNJAB COOPERATIVE AGRICULTURAL STATE DEVELOPMENT BANK W.E.F. 01.04.1989</i></p>	
--	--	--

8.3. The petitioners retired from service post amendment dated 11.03.2014 and citing that, the respondent-Bank refused to provide them with retiral benefits in accordance with the Pension Scheme. However, the petitioners had been contributing towards the same for 21 years before it was withdrawn vide the said amendment. As such, the following question arises for adjudication:

Whether the petitioners can be denied retiral benefits arising out of the Pension Scheme that was withdrawn prior to their retirement?

9.1. Further still, a Full Bench of this Court in ***Pritam Singh Gill v. State of Punjab 1982 AIR P&H 228*** deliberated upon the maintainability of a writ petition against a cooperative society and whether when it does not fall in the ambit of State in terms of Article 12 of the Constitution of India. Speaking through Justice S.S. Sandhawalia, the following was observed:

“12. The recent decision constituting the trilogy is that of the Constitution Bench in Ajay Hasia's case. Therein also a similar objection was raised that the Society running of the College was merely one registered under the J & K Registration of Societies Act, 1898 and was, therefore, not an authority within the meaning of Article 12 Repelling the same, their Lordships authoritatively formulated the tests and concluded :-



"We may summarise the relevant tests gathered from the decision in the International Airport Authority's case as follows:-

(1) "One thing is clear that if the entire share capital of the corporation is held by Government it would go a long way towards indicating that the corporation is an instrumentality or agency of Government".

(2) "Where the financial assistance of the State is so much as to meet almost entire expenditure of the corporation, it would afford some indication of the corporation being impregnated with governmental character."

(3) "It may also be a relevant factor whether the corporation enjoys monopoly status which is the State conferred or State protected."

(4) "Existence of "deep and pervasive State control may afford an indication that the Corporation is a State agency or instrumentality."

(5) "If the functions of the corporation are of public importance and closely related to the governmental functions, it would be a relevant factor in classifying function as an instrumentality or agency of Government." the corporation as an instrumentality or agency of Government."

(6) "Specifically, if a department of Government is transferred to a corporation it would be a strong factor supportive of this inference" of the corporation being an instrumentality of agency of Government".

If on a consideration of these relevant factors it is found that the corporation is an instrumentality or agency of government, it would, as pointed out in the International Airport Authority's case be an 'authority' and, therefore, 'State' within the meaning of the expression in Article 12.

13. From the aforesaid authoritative enunciation it is now well settled that once it is established that a body is an instrumentality and agency or projection of the State, then its mere legal garb, under which it is clothed, namely, whether it is a cooperative society, or a company or a society registered under the Societies Registration Act, ceases to have dominance. In a way the law now pierces the veil of mere form to arrive at the kernel of true



*substance. It has, however, to be highlighted that the aforequoted six tests may not individually be decisive and their cumulative effect in each particular case has to be taken into account. **Consequently, if on the basis of these tests the inevitable conclusion is reached that a co-operative society is in essence an instrumentality of the State, then the mere fact that it was registered under the Co-operative Societies Act would in no way render it immune to the writ jurisdiction.** This inevitably follows from the consistent observations of the final Court in the trilogy of cases wherein a Government company, incorporated under the Companies Act, a society registered under the Societies Registration Act and an authority specifically created by a statute have all been deemed to be within the ambit of Article 12, if they were established to be the instrumentality or the agency of the State in essence.”*

9.2. Indubitably, the Pension Scheme was introduced by amending the Rules of 1978 with the due approval of the RCS. As such, the Pension Scheme clearly bears a statutory nature and therefore, the petitioners are entitled to agitate the rights originating from the same under Article 226 of the Constitution of India as the respondent-Bank falls under the purview of State under Article 12 of the Constitution of India.

10.1. Further still, the respondent-Bank formulated the Pension Scheme of its own accord and also carried out the necessary amendments to the Rules of 1978. The petitioners had duly opted for the Pension Scheme and had been contributing towards it since the inception. As such, they had a legitimate expectation to be granted the benefits arising from it post-retirement. In fact, owing to its statutory nature, a right was vested in the petitioners, which cannot be taken away by subsequently introducing an amendment to withdraw the Pension Scheme itself. It is settled law that benefits acquired by virtue of duly



enforced rules cannot be taken away by bestowing a retrospective application to amendments brought in later in the day, especially when no explicit or implicit indication was provided that the said right can be withdrawn. Such an attempt is not permissible and could not be achieved on account of subsequent technical defects even through legislative repair by retrospective application as laid down in the judgment rendered by a three-Judge bench of the Hon'ble Supreme Court in the case of ***S.R. Bhagwat vs. State of Mysore, (1995) 6 SCC 16***. Speaking through Justice S.B. Majumdar, the following was observed:

“12. It is now well settled by a catena of decisions of this Court that a binding judicial pronouncement between the parties cannot be made ineffective with the aid of any legislative power by enacting a provision which in substance overrules such judgment and is not in the realm of a legislative enactment which displaces the basis or foundation of the judgment and uniformly applies to a class of persons concerned with the entire subject sought to be covered by such an enactment having retrospective effect. We may only refer to two of these judgments.”

10.2. Reliance in this regard can also be placed on the judgment rendered by a Full Bench of this Court in ***Kaka vs. Hassan Bano, 1998(1) RCR (Criminal) 484*** has clarified that amendments cannot be used as a tool for withdrawing benefits arising out of existing rules. Speaking through Justice Swatanter Kumar, the following was held:

*“28. ...This rule is however, subject to a well recognised principle that the **benefits acquired under the existing rules cannot be taken away by an amendment***



***with retrospective effect**, that is to say, there is no power to make such a rule under the proviso to Article 309 which affects or impairs vested rights. Therefore, unless it is specifically provided in the rules, the employees who are already promoted before the amendment of the rules cannot be reverted and their promotions cannot be recalled. In other words, such rules laying down qualifications for promotion made with retrospective effect must necessarily satisfy the test of Articles 14 and 16(1) of the constitution : State of Mysore v. M.N. Krishna Murty, (1973) 2 SCR 575 : AIR 1973 Supreme Court 1146, B.S. Yadav v. State of Punjab, (1981) 1 SCR 1024 : AIR 1981 Supreme Court 561, State of Gujarat v. Ramanlal Keshavlal Soni, (1983) 2 SCR 287 : AIR 1984 Supreme Court 161 and KC Arora v. State of Haryana, (1984) 3 SCR 623: 1984 Lab. IC 1015.”*

10.3. Furthermore, the respondent-Bank has stated that the Pension Scheme was financially unviable and therefore, they have decided to withdraw the same. However, the Division Bench of this Court in **LPA-1988-2013** has categorically observed that the balance sheet of the respondent-Bank was perused and it was evident that it is making profit on a year to year basis. Additionally, in the **PSCADB vs. RCS (supra)**, the following was observed:

“54. So far as the submission made by learned counsel for the appellant about the financial distress of the appellant Bank to justify the impugned amendment to say that it may not be possible to continue the grant of pension any more is concerned, suffice to say, that the rule making authority was presumed to know repercussions of the particular piece of subordinate legislation and once the Bank took a conscious decision after taking permission from the Government of Punjab and Registrar, Co-operative, introduced the pension scheme with effect from 1st April 1989, it can be presumed that the competent authority was aware of the resources from where the funds are to be created for making payments to its retirees and merely because at a later point of time, it was unable to hold financial resources at its command to its retirees,



would not be justified to withdraw the scheme retrospectively detrimental to the interests of the employees who not only became member of the scheme but received their pension regularly at least upto the year 2010 until the dispute arose between the parties and entered into litigation.”

11.1. As a matter of fact, the judgment rendered by the Co-ordinate Bench in ***Kuldeep Singh (supra)*** and further reaffirmed by not only a Division Bench of this Court but also the Hon’ble Supreme Court in ***PSCADB vs. RCS (supra)*** as well as in review (Annexure P-25). Moreover, the dicta has consistently been declaratory in nature. Thus, there is no scope for the respondent-bank to wriggle out of its liability. A three-Judge bench of the Hon’ble Supreme Court in ***Bharat Sanchar Nigam Limited vs. Ghanshyam Dass, (2011) 4 SCC 374***, speaking through Justice A.K. Patnaik, opined as follows:

“13. The principle laid down in K.I. Shephard (supra) that it is not necessary for every person to approach the court for relief and it is the duty of the authority to extend the benefit of a concluded decision in all similar cases without driving every affected person to court to seek relief would apply only in the following circumstances:

a) Where the order is made in a petition filed in a representative capacity on behalf of all similarly situated employees;

b) Where the relief granted by the court is a declaratory relief which is intended to apply to all employees in a particular category, irrespective of whether they are parties to the litigation or not;

c) Where an order or rule of general application to employees is quashed without any condition or reservation that the relief is restricted to the petitioners before the court; and



d) Where the court expressly directs that the relief granted should be extended to those who have not approached the court.

On the other hand, where only the affected parties approach the court and relief is given to those parties, the fence-sitters who did not approach the court cannot claim that such relief should have been extended to them thereby upsetting or interfering with the rights which had accrued to others. In Jagdish Lal and others v. State of Haryana and others 1998(1) S.C.T. 26 : (1997) 6 SCC 538., the appellants who were general candidates belatedly challenged the promotion of Scheduled Caste and Scheduled Tribe candidates on the basis of the decisions in Ajit Singh Januja v. State of Punjab 1996(2) S.C.T. 278 : (1996) 2 SCC 715., Union of India v. Virpal Singh Chauhan 1995(4) S.C.T. 695 : (1995) 6 SCC 684. and R.K. Sabharwal v. State of Punjab 1995(2) S.C.T. 646 : (1995) 2 SCC 745. and this Court refused to grant the relief saying :

“....this Court has repeatedly held, the delay disentitles the party to the discretionary relief under Article 226 or Article 32 of the Constitution. It is not necessary to reiterate all the catena of precedents in this behalf. Suffice it to state that the appellants kept sleeping over their rights for long and elected to wake up when they had the impetus from Virpal Chauhan and Ajit Singh ratios. But Virpal Chauhan and Sabharwal cases, kept at rest the promotion already made by that date, and declared them as valid; they were limited to the question of future promotions given by applying the rule of reservation to all the persons prior to the date of judgment in Sabharwal case which required to be examined in the light of the law laid in Sabharwal case. Thus earlier promotions cannot be reopened. Only those cases arising after that date would be examined in the light of the law laid down in Sabharwal case and Virpal Chauhan case and equally Ajit Singh case. If the candidate has already been further promoted to the higher echelons of service, his seniority is not open to be reviewed. In A.B.S. Karamchari Sangh case a Bench of two Judges to which two of us, K.



Ramaswamy and G.B. Pattanaik, JJ. were members, had reiterated the above view and it was also held that all the prior promotions are not open to judicial review. In Chander Pal v. State of Haryana a Bench of two Judges consisting of S.C. Agrawal and G.T. Nanavati, JJ. considered the effect of Virpal Chauhan, Ajit Singh, Sabharwal and A.B.S. Karamchari Sangh cases and held that the seniority of those respondents who had already retired or had been promoted to higher posts could not be disturbed. The seniority of the petitioner therein and the respondents who were holding the post in the same level or in the same cadre would be adjusted keeping in view the ratio in Virpal Chauhan and Ajit Singh; but promotion, if any, had been given to any of them during the pendency of this writ petition was directed not to be disturbed....” (emphasis added)

11.2. On the last day of hearing i.e. 09.09.2025, Mr. Puneet Bali, Senior counsel had submitted that the present controversy is squarely covered by the judgment passed by this Court in ***Vijay Kumar Kapil and others vs. State of Punjab and others*** in ***CWP-27198-2015*** decided on 20.08.2025. However, the factual matrix therein was considerable distinct as the relevant Pension Scheme was non-statutory in nature and therefore, no violation of any statutory rules was involved.

11.3. All other arguments raised by the learned counsel for the respondent-State already stand considered and decided by the judgments rendered by the Coordinate Bench of this Court in ***Kuldeep Singh (supra)***, the Division Bench of this Court in ***LPA-1988-2013***, the Hon'ble Supreme Court in ***PSCADB vs. RCS (supra)*** as well as order dated 12.04.2022 (Annexure P-25), whereby the review petition was also dismissed.



12. It may also be profitable to refer to the principle of *stare decisis*, which commands that the decision of the competent Court must be honoured to promote predictability and consistency in the law. Limiting the scope of application of judgments by categorising them as *jus in personum* defeats the constitutional goal of equality and paves way for further litigation, thereby burdening the judicial system with matters that already stand duly settled. Rather, it would be in the interest of justice, fairness and administrative efficacy to allow judgments rendered to have broader application. Moreover, the legal maxim – *boni judicis est causas litium dirimere*, calls upon the Judges to endeavour to ensure that the decisions rendered do not provide avenues for further litigation. In that vein, this Court is of the considered opinion that once a competent Court has granted a certain relief to one set of employees, they as well as their similarly-situated counterparts must not be forced to move the Courts to have the same implemented. Curiously, in the matter at hand, the entitlements of the petitioners have been categorically declared, as such there is no scope to even read the judgments rendered by this Court and the Hon'ble Supreme Court narrowly.

CONCLUSION

13. Much to the chagrin of this Court, the petitioners have been forced to initiate litigation even to claim benefits of the judicial decisions that have been consistently in their favour. The act and conduct of the respondent-Bank shows no regard for the majesty of the



justice dispensation mechanism. In dishonouring a judicial decision, that has been uniformly and unambiguously settled all the way up to the stage of review in the Hon'ble Supreme Court, the respondent-Bank has demonstrated its disregard for the rule of law. Further still, a reference can be made to the legal maxim – *reipublicae ut sit finis litium*, which translates to: it is in interest of public that there is an end to litigation. By engaging in this conduct, respondent-Bank is laying the ground work for more unwarranted litigation causing further harassment to its employees as well as burdening the Courts with avoidable caseload.

14. As such, this Court deems it appropriate to burden the respondent-Bank with a cost of Rs.1,00,000/- to be deposited with the Punjab State Legal Services Authority Disaster Relief Fund (Account No.44426937384, IFSC Code SBIN0014656) within a period of one month from the date of receipt of certified copy of this order.

15. Ordered accordingly.

16. In view of the above discussions, the question framed above is answered in the affirmative as the amendment cannot be given a retrospective effect to deny statutory rights of the petitioners. Accordingly, all the captioned petitions are allowed. The respondent-Bank is directed to release all the admissible benefits in terms of the decisions in *Kuldeep Singh (supra)*, *LPA-1988-2013* and *PSCADB vs. RCS (supra)* within a period of 03 months of receipt of a certified copy of this order. Needless to say, the petitioners cannot claim the benefits of the Pension Scheme as well as those arising out of the PF Act. Any



benefits received in the interregnum under the PF Act shall be set off against those accrued by virtue of the Pension Scheme by the concerned authority.

17. Pending miscellaneous application(s), if any, shall also stand disposed of.

18. A photocopy of this order be placed on the file of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

25.09.2025
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No