

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

CWP-767-1993 (O&M)
Date of decision : 08.04.2015

Gurdeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Maninder Arora, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

The grouse of the petitioner is that his pension which was rightly fixed at the rate of Rs.1773 per month, in pursuance of letter No.Pen/I/G-20/87-88/2620-23 dated 25.05.1990, issued by the office of the Accountant General, Punjab, (Annexure P-14), has been altered to his disadvantage at the rate of Rs.1460/- vide office order No.5428-33/PF/1 dated 04.11.1992 (Annexure P-15).

The learned State counsel informs that the Department had calculated the pension in pursuance of Annexure P-14, as asserted by the petitioner. However, the office of the Accountant General raised an objection and suggested that the service rendered by the petitioner as DSP i.e. 8 years, does not qualify to be counted towards the grant of

pension at the rate of of Rs.1773/- per month and he deserved to be shifted to the lower scale of Rs.1460/-, as indicated in Annexure P-15. However, the said order of deduction was stayed by this Court on 18.01.1993.

The petitioner has throughout been receiving pension calculated on the basis of Annexure P-14. The learned State counsel, very fairly states that keeping in view the service rendered by the petitioner and as an expression of grace by the State, the case of the petitioner was recommended to be allowed in terms of Annexure P-14. However, the office of the Accountant General has disagreed with the proposal sent by the State.

Keeping in view the statement made and the specific assertion of the petitioner that he was not heard in person at any stage before passing the impugned order, Annexure P-15, the same is hereby quashed and respondent Nos.1 and 2 are directed to redetermine the issue of fixation of pension scale after affording a reasonable opportunity of personal hearing to the petitioner within a period of six months from the date of receipt of a certified copy of this order. It is made clear that till the re-fixation of pension scale, the petitioner shall draw pension at the pension scale indicated in P-14. It is also clarified that no recovery proceedings shall be initiated against the petitioner.

08.04.2015
atulsethi

(JITENDRA CHAUHAN)
JUDGE

ATUL SETHI
2015.04.21 16:39
I attest to the accuracy and
authenticity of this document
Chandigarh