

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

CWP No. 11377 of 2012 (O&M)

Date of decision: 23.04.2015

J.C. Sharma and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Girish Agnihotri, Sr. Advocate with
Mr. Vijay Pal, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioners seek quashing of letter/order dated 01.09.2011 (Annexure P-6) issued by respondent No.3 and the Haryana Government, Finance Department Circular No.1/2(8)98-2FR-II (Part-VIII) dated 10.06.2011 (Annexure P-7) and to issue directions to the respondents to refix and revise the pension of the petitioners in terms of revised pay of Rs. 37400-67000 with all consequential benefits.

The identical issue stands settled by the Division Bench of this Court in CWP No. 19641 of 2009, vide order dated

21.12.2012. At the time of passing the impugned order, the authorities were deprived of the guidance and the benefit of the judgment passed by this Court in CWP No. 19641 of 2009 titled as R.K. Aggarwal and others Vs. State of Haryana and others, decided on 21.12.2012 by this Court. This judgment has attained finality in SLP No. 19784 of 2013, decided on 28.10.2013 by the Hon'ble Apex Court.

Considering the fact that the identical issue is involved in the present petition, it will be in the interest of justice, if the matter is relegated to the competent authority with a direction to examine and passed a detailed order in the light of judgment passed by this Court in R.K. Aggarwal's case (supra). Such an exercise be completed within within a period of four months from the receipt of certified copy of the order.

However, it will be open to the respondents to call for the petitioners for any assistance or clarification in the disposal of their claims.

23.04.2015

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(JITENDRA CHAUHAN)
JUDGE