

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP NO.-18458-2010

Date of Decision:3.12.2015.

Parmod Bharat

.... Petitioner.

vs.

State of Haryana and ors.

.... Respondents.

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present:- Mr. Rishab Gupta, Advocate
for the petitioner.

Mr. D.K. Mittal, DAG, Haryana

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HARINDER SINGH SIDHU,J

The petitioner was appointed as Octroi Clerk on 2.7.1973 in the Municipal Committee, Kaithal and remained in that position up to 28.12.1999 when the post of Octroi Clerk was abolished in the Municipal Committee. Thereafter, the petitioner was adjusted in the Panchayat Department at Kaithal as Panchayat Secretary. The petitioner retired as Panchayat Officer on 31.3.2005 after attaining the age of superannuation. While in the Municipal Committee, the petitioner was drawing the salary in the pay scale of Rs.5000-7850. Consequent upon his adjustment as Panchayat Secretary, he continued to draw the same pay scale upto his retirement. At the time of his retirement, his pay scale was re-fixed in the pay scale of Rs.3050-4590 w.e.f. December, 1999 which was lower than what he was drawing while in service. The excess amount, which was calculated as Rs.67,657/- was recovered from his gratuity at the time of his retirement.

The petitioner has filed this petition seeking directions to the respondents to release the amount of Rs.67,657/- and also re-fix

and re-calculate the pension and other pensionary benefits as per the last pay drawn by him.

Learned counsel for the petitioner states that as per order dated 24.12.1999 (Annexure P-1), whereby, the petitioner and other surplus staff was absorbed in the Panchayat Department, the pay of the petitioner was required to be protected. He states that his pay was wrongly re-fixed in the lower scale at the time of retirement w.e.f. December, 1999.

In the short affidavit filed on behalf of respondents No.3 and 4, it has been stated that the recovery of Rs. 67,657/- effected from the DCRG has been restored to the petitioner vide Annexure 'B'. Similarly, other retiral benefits like pension, family pension, commutation and DCRG have been revised by the A.G. (A&E), Haryana, Chandigarh.

As the recovery of Rs.67,657/- effected from the DCRG stands restored, it implies that the earlier action of the respondents in retaining this amount was illegal and without any basis. The petitioner had superannuated on 31.03.2005 and accordingly, it is clear that this amount of Rs. 67,657/- was wrongly retained by the respondents.

In view of the above, this petition is disposed of with a direction to the respondents to pay simple interest at the rate of 7% p.a. for the period from 31.03.2005 till this amount of Rs.67,657/- was released to the petitioner.

(Harinder Singh Sidhu)
Judge

03.12.2015
Atul/dinesh