IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10731 of 2014 (O&M)
Date of decision: 02.03.2015

Chander Parkash

...Petitioner

Versus

Haryana Khadi and Village Industries Board

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. K.L. Arora, Advocate for the petitioner.

Mr. Ashwani Talwar, Advocate for the respondent.

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Jitendra Chauhan, J. (Oral)

The short prayer in the instant petition is for grant of highest emoluments drawn by the petitioner in terms of Rule 9 of Haryana Civil Services (Revised Pension) Part-II Rules, 2009 (for short 'the Rule') (Annexure P-10).

It is contended that the petitioner retired on 30.04.2006 as Senior Accounts Officer. At the time of retirement, he was drawing salary @ Rs. 28639/- per month as reflected in sequence of events, which is not in dispute. Instead of calculating the pension in terms of Annexure P-9, the respondents have taken an average of the salary paid in the last 10 months. The learned counsel for the petitioner states that the calculation done by the respondents is against the Rules.

The learned counsel for the respondent states that the respondent had rightly fixed the pension of the petitioner.

Rule 9 of the Haryana Civil Services (Revised Pension) Part-II Rules, 2009 is reproduced as under:-

> "*The amount of pension shall be subject to a minimum of Rs. 3500/- with effect from 1st January, 2006 and maximum upto 50 percent of highest pay in the Government. The highest pay in Haryana Government is Rs. 79,000/- with effect from 1st January, 2006 (pay band + grade pay)*".

The Rule in question is very clear, specific and unambiguous and there is no scope for reinterpretation or interference drawn other than that indicated in Rule 9 of 2009. Therefore, this Court feels that the respondent erred in not calculating the pension of the petitioner @ 50% of the highest emoluments drawn by him in the month of April, 2006.

In the circumstances, the petition is allowed; orders dated 20.12.2013 (Annexure P-8) and 12.04.2013 (Annexure P-9) are, hereby, set aside and the respondent-Board is directed to recalculate and refix the pension of the petitioner in terms of Rule 9 of 2009 (Annexure P-10) along with interest @ 6.5 % p.a, within a period of four months after the receipt of certified copy of this order.

02.03.2015 **(JITENDRA CHAUHAN)**

sumit.k **JUDGE**