

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

Civil Writ Petition No.1086 of 2015

Date of decision: 22.1.2015

Bachan Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sunil Nehra, Advocate,
for the petitioners.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The petitioners are pensioners. They retired from Punjab Police Department. Some of the petitioners are widows of policemen who are in receipt of family pensions. The Government is said to have made illegal deductions from pensions/family pensions thereby reducing the amount without notice or hearing.

Mr.Nehra learned counsel appearing for the petitioners submits that though the petitioners have not able to lay their hands on the orders which has caused the reduction but it is attributable to the withdrawal of ACP scale granted to the pensioners and the decedent policemen. The Reduced Pay Pension Orders have been produced on the writ file at P-10.

Mr.Nehra submits that the issue is not *res integra* and has already been examined and decided in CWP No.8573 of 2008; Amar Nath v. State of Punjab and others decided on 28th May, 2009 where a similar illegal deduction was set aside and the pensions restored to the date of the last pay certificate issued on the date of retirement on reaching the age of superannuation. The judgment of the learned Single Judge has been followed in CWP No.12132 of 2010; Ram Dass v. State of Punjab and others decided on 20th July, 2011. The petitioners have brought their grievances to the notice of the competent authority amongst the respondents by submitting a representation dated 15th December, 2012 [P-9] which has not been considered and decided so far. Atleast nothing has been communicated to the petitioners on the fate of that representation.

In the circumstances, it would serve no useful purpose to issue notice of motion to the respondents to receive a response through the written statement in a field occupied by the decisions of this Court and which decide the moot issue which are no longer *res integra* and are binding on the Government on the common issue traversed which is similar to the one which emerges from this case. Therefore, it would serve the ends of justice well if a direction is issued to the competent authority amongst the respondents to consider and decide their representation within 30 days of receipt of a certified copy of this order in the light of the judgments aforesaid. In the event the case of the petitioners is found covered by the aforesaid judgments, then it would not be necessary to pass a speaking order and deductions can be reversed by office orders duly communicated to the petitioners individually. However, in case, a departure has to be made for any valid reason, then the petitioners would require to be heard and speaking

orders passed with reasons assigned to tread a different path, in which case, the period of 30 days will stand extended by another one month to accommodate the hearing process.

With these directions, the petition stands disposed of.

Order **dasti**.

(RAJIV NARAIN RAINA)
JUDGE

January 22, 2015

Paritosh Kumar