

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

**CWP No. 20816 of 2015
Date of decision: November 02,2015**

Dharamvir Bawa		...Petitioner
	Versus	
State of Haryana and ors.		...Respondents

CORAM:HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Shrey Goel, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

The petitioner was working with the respondent-Municipal Council, Karnal on the post of Secretary and has retired on attaining the age of superannuation on 31.5.2005. Thereafter, he was accorded sanction under Rule 9 of the Haryana Employees Pension and General Provident Fund Rules, 1993. for the payment of net pension of Rs.3696/- i.e. gross pension of Rs.6160/- minus commuted pension of Rs.2464/- w.e.f. 1.6.2005.

The grievance of the petitioner is that the said pension is being paid on the pay scale as admissible to Superintendent of Municipal Council. He states that he was promoted to the post of Secretary in the year 1992 and served as such till his retirement i.e. 31.5.2005, but he was not given the pay scale of Secretary and was given the pay scale of Superintendent. Despite repeated request to the respondents to release the pay scale of the post of Secretary from the year 1992 to 31.5.2005 and also fix and grant the pension and pensionary benefits as per that scale but no action has been taken by the respondents.

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Learned counsel for the petitioner states that for claiming the aforesaid relief, the petitioners has served legal notice dated 25.3.2015 (Annexure P-2) . He states that at this stage, he shall be satisfied if directions are issued to respondent No.3 to take a decision thereon.

Accordingly, without commenting on the merits of the case, the present writ petition is disposed of with a direction to respondent No.3 to consider and take a decision on the legal notice dated 25.3.2015 (Annexure P-2) in accordance with law, expeditiously, preferably within a period of three months from the date of receipt of a certified copy of this order. If the petitioner is found entitled to the claimed relief, his pension be revised accordingly. The respondents would be at liberty to restrict the payment of arrears to three years preceding the date of filing of this petition.

(Harinder Singh Sidhu)
Judge

2.11.2015
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