

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

CWP-8720-2015 (O&M)
Date of decision : 13.07.2015

Parveen Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S.K. Choudhary, Advocate,
for Mr. Sandeep Katoch, Advocate,
for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

By way of the present writ petition, the petitioner seeks issuance of a direction to the respondents to re-assess and release the difference of amount of the pension with the revised pay scale of Rs.1200-2100, and to grant the enhanced pension in future.

The learned counsel contends that the petitioner was appointed as Work Mistry in the Pay Scale of Rs.1000-1200 in the year 1985. On acquiring superior qualification, i.e. National Trade Certificate issued by the Ministry of Labour and Rehabilitation, (Annexures P-1 to P-3), the petitioner was promoted as Supervisor in the year 1988 and was allowed the Pay Scale of Rs.1200-2100. The

petitioner retired as such on attaining the age of superannuation.

It is contended that the recovery has been effected from the petitioner on the ground that the petitioner did not deserve to be promoted on the post of the Supervisor. The recovery has been effected from his retiral dues. It is contended that the petitioner was a Class III employee and his case is squarely covered by the ratio of law laid down in *State of Punjab Vs. Rafiq Masih, 2015(1) S.C.T. 195*. He further states that the representation, Annexure P-4, moved by him is pending. It is further contended that the pension is also not being paid to the petitioner on the basis of the pay scale of Supervisor.

In the circumstances, the present petition is disposed of, without issuing notice to the respondents, with a direction to examine the case of the petitioner as to whether the same is covered by the ratio of law laid down in Rafiq Masih's case (supra). In case, it is covered, the amount so deducted be released to the petitioner within three months from reach such a satisfaction by the respondents. The petitioner is also free to represent to the competent authorities with regard to reduction of pay scale, who shall look into the representation and pass a reasoned order expeditiously, preferably, within three months from the date of receipt of such a representation.

Disposed of.

13.07.2015
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(JITENDRA CHAUHAN)
JUDGE

ATUL SETHI
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I attest to the accuracy and
authenticity of this document
Chandigarh