

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

CWP No.10872 of 2016

Date of decision: 28.5.2016

Lakha Singh

... Petitioner

Versus

State of Punjab & Ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. RC Sharma, Advocate,
for the petitioner.

Mr. Harkesh Manuja, Addl.A.G., Punjab.

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 grievance of the petitioner is that even though he has retired from service on attaining the age of superannuation, his pension, GPF, gratuity, GIS and pensionary dues have not been delivered to him on account of his service book being misplaced. Consequently, his retiral benefits have remained unpaid. This is not a fair thing to happen to a person retired over a thing beyond his control and therefore the Secretary, Govt. of Punjab in the Home Department will act in terms of the affidavit filed by the Chief Secretary, Punjab on May 23, 2016 in CWP No.2321 of 2014, which affidavit has given assurances to the Court that pension matters pending in court, in case they are not already resolved, or rendered infructuous, or matters likely to be filed claiming pension would be taken up by the Secretary of the department concerned and settled within three months. The situation in the case in hand is such as was not contemplated by the Chief Secretary, Punjab in his affidavit nor was

required to be addressed. The affidavit being general in nature was sought to show the way forward.

Notice of motion.

On the asking of Court, Mr. Harkesh Manuja, Addl.A.G., Punjab, accepts notice and waives service on the respondents. He would ask the office of the Advocate General, Punjab to transmit this order to the Secretary of the Home Department, Punjab for taking necessary steps towards pay pension without further delay, if they are otherwise due and payable, and to do so within three months. If there are legal impediments in the way which might require judicial review of administrative action, then the Secretary will assign meaningful reasons justifying withholding of pension and pensionary benefits by passing an order in writing duly communicated.

The problem in this case arises due to the missing service book for which the petitioner is not at fault. However, he will cooperate with the department with whatever material he has with him for reconstruction of the service book, in case it is not found. He may visit the office of the Home Secretary on a working day where his grievance will be redressed promptly with due personal attention by treating this petition as a representation, as suggested by the Chief Secretary, Punjab in his affidavit and the dues paid to the pension account of the petitioner. This Court records that it places implicit faith on the affidavit of the Chief Secretary, Punjab and the assurances held out therein, that simpliciter cases of unpaid pension will be dealt with and suitably resolved in the office of the department concerned and will no longer find

there way to this Court.

In view of above position, the petition stands disposed with the directions as contemplated and suggested by the Chief Secretary, Punjab himself for adoption by the Court. Therefore, the suggestion in paragraph 6 of the affidavit is accepted and will be read as operative part of this order and in other cases where pension cases remain pending with the Government of Punjab in its various departments.

(RAJIV NARAIN RAINA)
JUDGE

28.5.2016
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