

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

CWP No.1833 of 2015 (O&M)

Date of decision : December 05, 2016

Ram Kishan

..... Petitioner

Versus

Punjab State Power Corporation Ltd. and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Amarjit Singh, Advocate for the petitioner.

Mr. Mukul Aggarwal, Advocate for respondent Nos.1 to 3.

Mr. Ashwani Talwar, Addl. A.G., Punjab with
Mr. Sumit K. Vashisth, AAG, Punjab for respondent No.4.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner is a retired Superintending Engineer from the respondent-State Power Corporation Ltd. According to the petitioner, as per instructions dated 28.12.1994 (Annexure P-2), he is entitled to travel concession after completion of every block of two years, which is equal to one month's basic pension. The claim of the petitioner is that further interim relief was granted to him and that on completion of 65 years of age, 5% additional old age pension was also allowed to him. The interim relief and the old age pension should be treated as part of pension for the purpose of grant of leave travel concession.

Petitioner has based his claim on Annexure P-4, wherein the State Government is alleged to have issued instructions on 21.01.2008 that that interim relief will be treated as part of pension for all intents and purpose.

Respondent No.4 in the reply denied to have issued an instruction vide letter dated 21.01.2008 (Annexure P-4). Though, the letter dated 01.01.1989 was admitted to have been issued.

Respondent Nos.1 to 3 in the reply have admitted that the petitioner is entitled to pension. It is stated that he is being granted leave travel concession after completion of every block of two years. The interim relief of old age allowance @ 5% of the basic pension on completion of the age of 65 years is also being granted. According to the contesting respondents, the interim relief of old age allowance @ 5% of the basic pension, is not a part of the pension.

It is further pleaded that on completion of age of 65 years, the old age allowance @ 5% of the basic pension is granted. It is not an additional old age pension.

I have heard learned counsel for the parties and have also carefully gone through the case file.

First of all, reply of respondent No.4 makes it clear that letter dated 21.01.2008 (Annexure P-4) was not issued by the Government. Admittedly, respondent Nos.1 to 3 are independent statutory Corporation. All the instructions issued by the Government to the departments are not binding on the Corporation unless it is adopted by it. If the Government issued the instructions dated 07.03.2007 (Annexure R-4/1) that the interim relief will be part of pay/pension for all intents and purposes, these are not binding on the Corporation, unless these are adopted by it. There is nothing on file to show that these were ever adopted by the respondent-Corporation.

As per instructions Circular No.14 of 1999 (Annexure R-2), the pension has been revised w.e.f. 01.01.1996 and in case of retirement arising thereafter, leave travel concession equal to one month's basic pension is payable at the revised rates. Another letter of the Government dated 17.08.2009 shows that the existing provision regarding the leave travel concession shall continue to be in force.

Respondents have also produced their financial circular No.15 of 2004 (Annexure R-4), which provides that the dearness pension shall be taken into consideration for old age allowance but not for travelling concession admissible after every two years. Further financial circular dated 31.08.1989 shows that on completion of age of 70 years, a special allowance to compensate the pensioners for their higher expenses attendant with old age @ 5% of the basic pension was granted. It goes to show that it is a special allowance on completion of certain age and is not an additional pension. Once it is found that the interim relief as well as special allowance on attaining a particular age, is not a part of pension, therefore, the same is not to be treated as part of pension for the purpose of granting leave travel concession which is admissible only on the basic pension.

It being so, I do not find any merit in the present petition. As such, the same is dismissed.

(KULDIP SINGH)
JUDGE

December 05, 2016

sarita

Whether speaking / reasoned Yes

Whether Reportable: Yes