

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2871 of 2016
Decided on : 15.03.2016

Avtar Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.S.K.Sharma Budhladawale, Advocate,
for the petitioner.

G.S. Sandhawalia , J. (Oral)

Petitioner challenges the letter dated 13.10.2015 (Annexure P10) issued by respondent No.3 whereby his pension case has not been processed on account of the fact that an objection has been put as to whether he was a litigant or not. Copy of the writ petition in which his name appears, has been asked for along with the Officers' Committee report.

Counsel for the petitioner submits that the petitioner had been granted the 3 advance increments w.e.f. 16.08.1977 due to the passing of Prabhakar on 09.06.1977 (Annexure P1) and before 19.02.1979. It is, accordingly, submitted that the closing of the pension case is, thus, not justified as the petitioner had not initiated any litigation for the said benefit, which was granted by the State, on its own. Reliance is, accordingly, placed upon the report of the Officers' Committee dated 23.04.2011 (Annexure P14) wherein also, it has been noticed that the officials are entitled to 3 advance increments, if their date of appointment is prior to 19.02.1979 or the date of acquiring the qualifications, as long it is before 19.02.1979. It is submitted that in such circumstances, the action of respondent No.3 is not justified.

Reliance is also placed upon the order passed in CWP-4140-2016 titled *Joginder Kaur Vs. State of Punjab & others*, decided on 02.03.2016, whereby reference has been made to instructions dated 01.02.2011, to show that the report of the

Officers' Committee was circulated, so that cases of all persons could be disposed of in terms of the orders passed by the Officers' Committee. Counsel, accordingly, submits that the petitioner's case be also disposed of, in the same terms.

Notice of motion.

Mr.R.S.Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Copy of the paperbook has been supplied to him.

Keeping in view the limited relief sought, this Court does not feel it necessary to ask the respondents to file reply.

Accordingly, without commenting upon the merits of the case, the present writ petition is disposed of, with a direction to the competent authority, amongst the respondents, to consider and decide the case of the petitioner, in the light of the report of the Officers' Committee, within a period of one month from the date of receipt of a certified copy of this order. In case any adverse order is to be passed, petitioner shall be afforded an opportunity of hearing.

Writ petition stands disposed of, accordingly.

MARCH 15, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE