

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7635-2014 (O&M)
Date of decision: 07.11.2016

Balwant Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Varinder Kumar Shukla, Advocate for the petitioner
Mr.R.S.Pathania, DAG Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Petitioner was working as Inspector Grade-1 In the Food and Supplies Department, Government of Punjab. He sought and granted voluntary retirement w.e.f. 27.5.2002. In the present case, the petitioner claims that the Government had issued a notification dated 17.8.2009 (Annexure P2), vide which, 5% additional pension is to be paid to a pensioner who has attained the age of 65 years but less than 75 years of age.

The first claim of the petitioner is regarding release of said additional 5% of the revised basic pension. It is also claimed that though in terms of order (Annexure P1), revised pension w.e.f. 1.1.2006 has been released but the arrears of the said pension have not been released to him.

On behalf of the State, it is stated that the State Government has already passed an order on 19.5.2015 to release 5% additional pension from

the date the petitioner has attained the age of 65 years. Accordingly, the State is directed to release the said arrears of 5% of basic pension within one month from the date of receipt of a certified copy of this order. The petitioner shall also be entitled to interest @ 9% per annum from the date he became eligible for 5% additional pension till the date of payment.

Regarding arrears of pension w.e.f. 1.1.2006, the State has taken a stand that some recoveries are to be made from the petitioner. Therefore, some amount has been withheld. It is also not denied that gratuity and leave encashment was also withheld. However, since the amount is much more than that, therefore, arrears of pension have been withheld.

It being so, the respondents are required to pass a speaking order regarding withholding the arrears of pension, stating the ground therein and if such order is passed, the petitioner shall be entitled to challenge the same. However, if no such order is passed, the arrears of said pension shall be released to him along with interest @ 9% per annum starting three months from the date of notification dated 17.8.2009 (Annexure P2) till the date of payment.

Petition is accordingly disposed of.

07.11.2016

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No