

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

CWP No. 6786 of 2015 (O&M)
Date of Decision: 19.04.2017

SUDAMA AGARWAL AND OTHERS

... Petitioners

V/s.

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. R.K. Chopra, Senior Advocate,
with Mr. Gaurav Sharma, Advocate,
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Naveen S. Bhardwaj, Advocate,
for respondent No. 2.

KULDIP SINGH, J. (Oral)

The claim of the petitioners, who are retired employees of Chaudhary Charan Singh Haryana Agricultural University, Hisar, is for their fixation of pension equivalent to 50% of the minimum of pay in the pay band plus grade pay instead of minimum of the pay band and grade pay in view of the Division Bench Judgment dated 21.12.2012 (*Annexure P-7*) rendered in CWP No. 19641 of 2009 titled as *R.K. Aggarwal and others Vs. the State of Haryana and others.*

Learned State counsel has placed on file a copy of the office memorandum endorsed on 18.04.2017 in the Court today, whereby the Additional Financial Commissioner, Haryana for Chief Secretary, Government of Haryana, Finance Department has granted the requisite sanction. The same is taken on record.

The stand of the respondent No. 1 is that the matter was under active consideration of the Finance Department, Haryana. It was for this reason

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that the requisite claim of the petitioners noted above was not being granted to them. Now, the Finance Department has granted the requisite sanction, therefore, the said hurdle stands removed.

Therefore, in view of the sanction granted by the Finance Department, the petition is allowed and the respondent University is directed to fix the pension of the petitioners equivalent to 50% of the minimum pay in the pay band + grade pay of the petitioners, w.e.f. 06.02.2015 when the office memorandum was issued by the Government of Haryana and release the arrears @ 9% per annum w.e.f. 06.02.2015 till the date of actual payment.

It also comes out that an SLP titled as R.K. Aggarwal and others Vs. the State of Haryana and others. is pending before the Apex Court only on the point that as to whether the said memorandum is to be effected from 01.01.2006 or 06.02.2015. In the circumstances, it is further ordered that the question whether the arrears are to be given from 01.01.2006 or 06.02.2015 shall be in terms of the decision of the case of R.K. Aggarwal (Supra) as may be affirmed/modified by the apex Court.

The present petition is allowed in view of the above noted terms.

April 19, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE**

***Whether speaking / reasoned* :**

✓
Yes / No

***Whether Reportable* :**

✓
Yes / No