

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

**1. CWP No. 2155 of 2016
DECIDED ON: OCTOBER 24, 2017**

SHAKUNTALA DEVI & ORS

.....PETITIONERS

VERSUS

STATE OF PUNJAB & OTHERS

....RESPONDENTS

2. **CWP No. 5851of 2016**

KIRAN SHAKTI & ORS

....PETITIONERS

VERSUS

STATE OF PUNJAB & OTHERS

....RESPONDENTS

AND

3. CWP No. 9607 of 2016

MADHU BALA

.....PETITIONER

VERSUS

STATE OF PUNJAB & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Padamkant Dwivedi, Advocate
for the petitioner(s).

Mr. Manoj Bajaj, Addl. AG, Punjab with
Ms. Devaki Anand Sullar, AAG, Punjab.

Ms. Sunanda Rattan, Advocate
for respondents No.2 and 3.

Mr. Brijeshwar Singh Kanwar, Standing Counsel
for the respondents No. 4 and 5.

JASPAL SINGH, J (ORAL)

Vide this common order, I intend to dispose of three writ petitions bearing CWP Nos. 2155, 5851 and 9607 of 2016, as common question of law and fact is involved.

2. Learned State counsel has filed a status report by way of an affidavit of Ajit Kaur Multani, Deputy Director, Department of Social Security and Women and Child Development, Punjab on behalf of Respondent No.1 in CWP No. 2155 of 2017, which is taken on record. The relevant paragraph of the report reads as under:

“4. That the orders of this Hon'ble Court have been materially complied with. It is most respectfully submitted that on account of retiral dues of the employees including the petitioner, the funds amounting to ₹92,30,403/- has been sanctioned vide memo No. 3/121/2005-2SS/1089033/1, dated 23.10.2017, which will be released expeditiously.

5. That with regard to 1/3rd arrears of 4th pay commission

recommendations, the funds amounting to 8,17,382/- has been sanctioned vide memo No. 3/121/2005-2SS (Part file)/1089047/1, dated 23.10.2017, which will be released expeditiously.”

3. During the pendency of all the afore-said writ petitions following order was passed on May 23, 2017:

“It comes out that the petitioners, who were working under the Punjab State Social Welfare Board, retired from service in the year 2015. Their claim is that they have not been paid the retiral benefits till date. Only 2/3rd of the arrears on account of implementation of 4th Pay Commission was paid and that the pay scales have not been revised, as per the 5th Pay Commission.

So far as the liability to pay the retiral benefits is concerned, the same is not denied by respondents No. 2 and 3. The petitioners were absorbed, vide letter dated 21.8.2009 (Annexure-R-2/2), in ICDS, Department of Women and Child Development, Punjab.

In these circumstances, an interim direction is issued to respondents No. 1 to 3 to release all the benefits to the petitioners forthwith with interest at the rate of 9% per annum on the delayed payments, starting three months from the date of retirement of the petitioners till the date of actual payment.

Secondly, regarding the arrears on account of pay revision on the implementation of the 4th Pay Commission, similar direction is issued to pay the arrears alongwith interest at the rate of 9% per annum within three months, failing which, the Secretary, Department of Social Security and Women and Child Development, Punjab, and the Chairperson, Punjab State Social Welfare Board, (respondents No. 1 and 2 respectively herein), shall appear in person before the Court on the next date of hearing to explain as to why the payment is not being made.

Regarding the recommendation of 5th Pay

Commission, respondents No. 2 and 3 are directed to pass a speaking order whether the pay scales, on account of 5th Pay Commission, are to be released to the petitioners. The speaking order, in view of judgment passed by this Court in CWP No. 9497 of 2014, titled as Narinder Kaur Versus State of Punjab and others alongwith bunch of cases, decided on 28.7.2016 and the Letters Patent Appeal No. 2497 of 2016, titled as The Chairperson, Punjab State Social Welfare Advisory Board Versus Shobha Rani and others alongwith bunch of cases, decided on 10.1.2017, be passed within two months from the date of receipt of certified copy of this order and copy thereof be placed on file on or before the next date of hearing.

List on 11.9.2017.”

4. In compliance of afore-said order, it has been pointed out by learned counsel for the petitioner(s) that the order dated May 23, 2017 has been complied with in its letter and spirit. The respondent-State of Punjab has already sanctioned the amount to be disbursed to the petitioners and has intimated in this regard to the respondents No.2 and 3 who are to further disburse the same to the petitioners.

5. In view of the afore-said facts, all the three writ petitioners have rendered infructuous and are dismissed, as such.

6. While parting with this order, respondents are directed to take up the matter with the concerned authorities, if so required and positively make the payment/disbursed, so sanctioned by the respondent-State of Punjab in the respective accounts of the petitioners within a period of one month from today.

7. Respondents No.2 and 3 are further directed to supply the copy of various amounts, which are deposited in the accounts of petitioners within the afore-said prescribed period.

8. However, if the petitioners still feel aggrieved by any order of the afore-said authorities, they shall be at liberty to approach this Court.

OCTOBER 24, 2017
sham

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*