

CWP No. 21527 of 2017

DECIDED ON: SEPTEMBER 21, 2017

RANVIR SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.S. Sangwan, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought for issuance of a writ in the nature of mandamus directing the respondents to grant weight age of 5 years as Special Additions to service qualifying for superannuation pension including DCRG etc. under Rule 4.2-A PCR Vol. II and his pensionary benefits may be re-fixed after adding 5 years in the qualifying service and to pay the arrears with all the benefits appurtenant thereto, along with interest @12% per annum from the date of accrual to the date of realization.

2. Learned counsel for the petitioner submits that a advance notice dated May 20, 2017 (Annexure P-3) was served upon the respondents and in response thereto, a reply was sent. Relevant para of reply reads as under:-

“4. That the reply to the contents of this para, it is submitted that the benefits of gratuity (DCRG) under Rule 4.2 A CSR Vol. II after adding service qualifying for superannuation pension for four

years cannot be released as the same nature case in CWP No. 150 of 2013 Narain Singh Chahar v/s State of Haryana has already under consideration of Finance Department for review the matter and after the decision of Finance Department the same rule will be implemented accordingly.”

3. He further submits that he feels satisfied that in case a direction is issued to respondent No. 2 to reconsider the advance notice (Annexure P-3) and to decide the same within a stipulated period, in view of judgments passed by this Court in CWP No. 10244 of 2008, titled as **B.Gupta vs. State of Haryana and others;** decided on February 10, 2009 (Annexure P-6), CWP No. 10288 of 2010, titled as **Rai Singh vs. State of Haryana & others;** decided on February 24, 2012 (Annexure P-7) and CWP No. 150 of 2013, titled as **Narain Singh Chahar vs. State of Haryana & others;** decided on September 14, 2016 (Annexure P-8).

3. Accordingly, instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioner in advance notice dated May 20, 2017 (Annexure P-3) and take a conscious decision in accordance with law, especially in view of judgments passed by this Court Annexures P-6 to P-8, within a period of three months from the date of receipt of certified copy of this order. However, if petitioner still feels aggrieved by any order of the afore-said authority, he shall be at liberty to approach this Court.

SEPTEMBER 21, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*