

CWP No.21538 of 2017

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

Sr.No.113

**CIVIL WRIT PETITION No.21538 of 2017
DECIDED ON: NOVEMBER 08, 2017**

BHUPINDER SINGH BATH AND OTHERS

.....PETITIONERS..

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sunny Singla, Advocate,
for the petitioners.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of mandamus directing the respondents to revise their pension and other retiral benefits on the basis of last pay drawn by them at the time of their retirement while working on their respective posts of Principal/Head Masters/Head Mistress/BPEO in officiating capacity and to pay the arrears along with interest @ 12% per annum.

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2. At the very outset of the arguments, learned counsel for the petitioners submits that though legal notice dated 02.06.2017 (P-5) was duly served upon the respondents but till date no conscious decision has been taken. He further submits that petitioners feel satisfied in case direction is issued to respondent(s) to decide aforesaid legal notice, within a stipulated period.

3. Instant petition is disposed of with a direction to respondent(s) to look into the grievances unfolded by the petitioners in their legal notice dated 02.06.2017 (P-5) and pass a speaking order in view of the judgment passed by this Court in CWP No.18974 of 2012 captioned as ***Darshan Lal & ors. vs. State of Punjab & ors.*** Decided on September 24, 2012 (P-3), within a period of three months from the date of receipt of a certified copy of this order. However, relief shall stand restricted to 38 months in view of Full Bench judgment of this Court in ***"Saroj Kumari v. State of Punjab and others", 1998(3) SCT 664.***

4. As far as grant of interest on delayed payment is concerned that shall also be considered in view of the observations made by Full Bench of this Court in case captioned as ***A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*** as well as judgment passed by this Court in CWP No.8772 of 2015 captioned as ***Charan Dass vs. State of Punjab & Ors.*** decided on July 11, 2017.

5. However, if the petitioners still feel aggrieved of the order passed by the concerned authority, they shall be at liberty to approach this Court.

NOVEMBER 08, 2017

Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***