

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No.22702 of 2017  
DECIDED ON: OCTOBER 04, 2017

KARNAIL SINGH AND ANOTHER .....PETITIONERS.

VERSUS

STATE OF PUNJAB AND OTHERS .....RESPONDENTS.

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. P.S. Khurana, Advocate,  
for the petitioners.

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JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of mandamus directing the respondents to grant the pension and pensionary benefits to the petitioners on the basis of last pay drawn on the post of Junior Engineer and refix the pension and recompute the other pensionary benefits accordingly and pay the arrears along with all other consequential benefits with interest @ 12% per annum.

2. The contention of learned counsel for the petitioners is that though petitioner No.1 stood retired on 31.05.2012 and petitioner No.2 retired on 31.12.2011 on attaining the age of superannuation while serving on the post of Junior Engineer but at the time of sanctioning and granting the pension and

pensionary benefits, they were not given the pension on the basis of their last pay drawn on the post of Junior Engineer (Civil). He further submits that in fact a legal notice dated 26.12.2016 was duly served upon the respondents but till date neither any reply has been received nor any decision has been taken.

3. Learned counsel for the petitioners submits that petitioners feel satisfied in case direction is issued to respondents to decide the legal notice dated 26.12.2016 (Annexure P-7) within a stipulated period.

4. Keeping in view the aforesaid aspects but without expressing any opinion on the merits, instant petition is disposed of with a direction to respondent(s) to consider the case of the petitioners unfolded by them in their legal notice dated 26.12.2016 (Annexure P-7) and to take a conscious decision, by passing a speaking order, within a period of three months from the date of receipt of certified copy of this order. The factum of grant of interest be also considered in view of the observations made by Full Bench of this Court in case captioned as ***“R.S. Randhawa vs. State of Punjab, 1997 (3) RSJ 318*** and in view of CWP No.22242 of 2017, captioned as ***“Ramesh Kumar v. State of Punjab and others”***, decided on 28.09.2017.

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

OCTOBER 04, 2017,  
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(JASPAL SINGH)  
JUDGE

***Whether speaking/reasoned***      ***Yes***

***Whether reportable***                      ***Yes/No***