

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

CWP No. 3601 of 2015 (O&M)

Date of Decision: 10.03.2017

JAGDISH CHANDER NARANG

... Petitioner

VS.

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Arun Singal, Advocate,
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana

Mr. Shailender Kashyap, Advocate,
for respondent No. 4.

KULDIP SINGH, J (ORAL)

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of certiorari for setting aside the orders dated 12.06.2013 (*Annexure P-6*) and 11.03.2011 (*Annexure P-5*) passed by respondent No. 2 vide which the revised pension of the petitioner has been withdrawn and a recovery has been ordered and the petitioner was ordered to be placed in Pay Band 3 respectively.

Brief facts of this case are that the petitioner, who was working as Executive Engineer (Class-I Officer) with the respondent-department, retired from service on 31.08.2001. According to the petitioner, the Government issued a notification dated 19.08.2009 (*Annexure P-1*), vide which the pay structure of the Engineering service in three wings of PWD was further revised. Accordingly, the petitioner fell in pay band 4 whereafter 17 years of regular satisfactory service, he was to be given higher pay scale. According to the petitioner, he made a representation in April 2010 (*Annexure P-2*) addressed to the disbursing bank i.e. UBI Main Branch, New Railway Road, Gurgaon and the

CWP No. 3601 of 2015 (O&M)

said bank forwarded the same to the concerned authorities vide letter dated 13.10.2010 (*Annexure P-3*). The Engineering-in-Chief Haryana, PWD, B&R vide letter endorsed on 06.07.2017 (*Annexure P-4*) has sent a photocopy of the letter dated 11.03.2011 (*Annexure P-5*) vide which information regarding corresponding scale in respect of the said retirees were indicated for information and necessary action. Therefore, the disbursing bank was requested for necessary action regarding revision of pension in respect of the retirees of prior 01.01.2006. The photocopy of the said letter dated 11.03.2011 (*Annexure P-5*) shows that the petitioner was drawing the pay scale of ₹12000-375-16500/- (pre-revised) and has been placed in corresponding Pay-Band 3 which carry scale ₹15600-₹3900+Grade Pay ₹7600/-. However, inadvertently, the disbursing bank granted the pension of Pay Band 4 which was to be granted after 17 years of regular satisfactory service as per the notification dated 19.08.2009 (*Annexure P-1*). The petitioner retired prior 01.01.2006, therefore, the department has decided to grant corresponding pay scale in Pay Band 3 and there is an apparent error on the part of the disbursing bank to compute the pension on the higher scale given under Pay Band 4.

I am of the view the Government can rectify the said error any time. It being so, there is no illegality and infirmity in the impugned orders dated 12.06.2013 (*Annexure P-6*) and 11.03.2011 (*Annexure P-5*). Accordingly, the present writ petition stand dismissed.

March 10, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE*****Whether speaking / reasoned* :**✓
Yes / No***Whether Reportable* :**✓
Yes / No