

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

Sr. No.128

Civil Writ Petition No.24526 of 2017
DECIDED ON: October 30, 2017

JUJ KUMAR SATHI

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.L. Chander Shekhar, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of certiorari quashing the impugned order dated June 02, 2016 (P-6) passed by the respondent No.5 whereby the claim of the petitioner made vide legal notice dated May 26, 2015 (P-3) has been rejected and further issuance of a writ in the nature of mandamus directing the respondents No.1 to 4 to decide his legal notice dated June 01, 2017 (P-7) as well as further directing the respondents to re-fix the salary/pension of the petitioner as per revision of pay in the years 1996 and 2006 and thereafter fix the pension to grant him the said arrears with 24% penal

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interest and further to revise the pension of the petitioner as per compilation of Fourth Pay Commission from 01.01.1996 to 2005 and Fifth Pay Commission w.e.f. 2006 onwards and the entire arrears of revised pension be released to the petitioner along with interest @ 24% per annum.

2. The contention of learned counsel for the petitioner is that earlier legal notice dated January 19, 2016 (P-5) served upon the Deputy Commissioner, Amritsar for compliance of order dated January 07, 2016 passed by this Court in CWP No.90 of 2016 captioned as ***Juj Kumar Sathi vs. The State of Punjab and others.*** The said notice was replied by Tehsildar, Amritsar on behalf of respondent No.4-Deputy Commissioner, Amritsar. However, the relief claimed by the petitioner was in respect of re-fixation of pension, the only competent authority to deal with the matter and to give the necessary direction is/was to the office of Accountant General (A&E) Punjab, Chandigarh.

3. Accordingly, a fresh legal notice dated June 01, 2017 was served upon the respondents including the Accountant General (A&E), Punjab (Pension-1) Branch, Sector 17, Chandigarh. Though, a period of approximately four months have expired yet till date no conscious decision appears to have been taken either by the Accountant General, Punjab-respondent No.4 or the other respondents. Learned counsel for the petitioner feels satisfied in case a direction is issued to the respondent No.4 to decide his legal notice dated June 01, 2017 (P-7) within some specified period.

4. In view of the aforesaid aspects and submissions made by learned counsel for the petitioner, instant petition is disposed of with a direction to respondents No.4-The Accountant General (A&E), Punjab

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(Pension-1) Branch, Sector 17, Chandigarh to look into the grievances unfolded by the petitioner in his legal notice dated June 01, 2017 (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 a certified copy of this order.

5. However, if petitioner still feels aggrieved by any of the orders passed by the aforesaid authority, he shall be at liberty to approach this Court.

October 30, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**