

CWP No.28691 of 2017

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

Sr.No.103

**CIVIL WRIT PETITION No.28691 of 2017
DECIDED ON: DECEMBER 16, 2017**

HARJINDER SINGH GARCHA

.....PETITIONERS..

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amrik Singh, Advocate,
for the petitioners.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to revise his pension who has retired as Sub Divisional Engineers from the department and has been granted the pension by taking his pay scale of Rs. 15600-39100 with grade pay of Rs.5400/- into account whereas a Junior Engineer working in the same department who has retired after 01.12.2011 has been granted the pension by taking the pay scales of 15600-39100 with grade pay of Rs.6600 into account on the basis of letter dated

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01.12.2011 resultantly the higher emoluments of pension to the Junior Engineer than the petitioner who has retired as Sub Divisional Engineer from the same department.

2. At the very outset of the arguments, learned counsel for the petitioner submits that though legal notice dated 13.09.2017 (P-5) was duly served upon the respondents but till date no conscious decision has been taken. He further submits that petitioner feels satisfied in case direction is issued to respondents to decide aforesaid legal notice, within a stipulated period.

3. Instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in his legal notice dated 13.09.2017 (P-5) 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. In case, the authorities concerned come to the conclusion that the petitioner is entitled to the relief(s) claimed, it shall stand restricted to 38 months in view of Full Bench judgment of this Court in case ***“Saroj Kumari vs. State of Punjab & ors., 1998(3) SCT 664.***

4. However, if the petitioner does not feels satisfied with any order passed against him or the claim putforth is rejected by the concerned authority, he shall be at liberty to approach this Court.

DECEMBER 16, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***