

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CW-421-2015 and
CM-13300-CWP-2015 in
CWP No.19452 of 2013
DATE OF DECISION: February 28,2017

Bijender Singh

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Suraj Bhan Hooda, Advocate for the applicant-
petitioner.
Mr.Sandeep Mann, Senior Deputy Advocate
General, Haryana.

AMIT RAWAL, J.

CM No.13300-CWP of 2015

Application is allowed.

Delay of 5 days in filing the review application is
condoned.

RA-CW-421 of 2015

The applicant-petitioner has preferred the review of
the order dated 23.3.2015 whereby this Court while allowing
the writ petition only considered one of the prayers with regard
to arrears of pay in discharging the duties of District Food and
Supplies Controller w.e.f. 28.4.2010 to 30.4.2012.

The grievance of Mr.Suraj Bhan Hooda, learned counsel appearing for the petitioner is that the other relief sought in the present petition was not considered and pondered upon. In this regard, the petitioner preferred an LPA. However, that appeal was dismissed with liberty to file the review. He has drawn the attention of this Court to the Rule 6.24(1) of the Punjab Civil Services Rules, Volume II as applicable to Haryana Government Employees as amended vide notification dated 30.11.2007, Annexure P.12, to contend that the petitioner is entitled to pension on the last pay drawn.

On the other hand, Mr.Sandeep Mann, learned senior Deputy Advocate General, Haryana submits that the petitioner had accepted the aforesaid assignment. The petitioner superannuated while discharging the officiating charge of District Food and Supply Controller and, therefore, is not entitled to the aforesaid relief, as claimed.

I have heard the learned counsel for the parties.

The Rule 6.24(1) of the Rules is reproduced as under:

“6.24(1) The pension shall be calculated on the pay last drawn by the Government employee on the date of retirement.”

Concededly, the petitioner has retired while discharging the duties of District Food and Supply Controller on the officiating post. He was drawing the salary on the higher post while discharging the duties. His pension is liable to be calculated on the last pay drawn by him, particularly, on the date of retirement.

Resultantly, the order dated 23.3.2015 is, thus, modified as there is error apparent on the face of it. The relief sought in the review application is allowed. The respondents are directed to calculate the petitioner's pension and other consequential benefits with interest at the rate of 9% per annum, on the last pay drawn on the date of retirement in view of the provisions of Rule 6.24(1) of the Rules, within a period of three months from the date a certified copy of this order is received

February 28,2017
KD

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No