

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

CWP-11334-2014 (O&M)
Date of decision: 28.02.2018

Dhian Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Natasha Munjal, Advocate for
Mr. M.K. Dogra, Advocate
for the petitioner(s).

Ms. Monica Chhiber Sharma, Sr. DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner seeks issuance of directions to the respondent to restore the five retrenchee increments in accordance with judgment dated 27.05.2009 passed by this Court in CWP-5568-2008 (Annexure P-6) and to pay all consequential benefits by way of fixation of pay along with interest @ 18% per annum.

Admittedly, the subject matter in the present writ petition is squarely covered by the decision dated 27.05.2009 (Annexure P-6) passed in CWP-5568-2008, wherein the following order was passed:-

“In view of the above, the respondents are not entitled to effect any recovery from the petitioners either on account of retrenchment increments or special increment allegedly erroneously given. However, the respondents are entitled to re-fix the emoluments by reducing the special increment only.

Consequently the pay of the petitioners will be re-fixed and in case of those employees who have already been retired from service, the retiral benefits shall be released within a period of two months. The petitioners shall also be entitled to interest on the delayed payment of pension/retiral benefits at the statutory rate wherever admissible and at the rate of 6% on pension and other retiral benefits where statutory interest is not provided for. Any amount deducted from the retiral benefits or the salary of the petitioners shall be refunded within the aforesaid period.

Ordered accordingly. Disposed of.”

Learned State counsel submits that in terms of judgment dated 27.05.2009 passed in CWP-5568-2008, all the retiral benefits such as GPF, GIS, leave encashment have already been paid to the petitioner. Apart from the above, the recovery effected from the petitioner also stands restored and paid to the petitioner. Likewise, the pay of the petitioner has also been re-fixed by restoring four special increments in terms of order dated 16.07.2014 passed in SLP(C)-13027-2011 titled as **State of Punjab Vs. Tarlok Chand and others** and all other benefits including that of past service rendered by the petitioner. The petitioner is drawing regular pension after re-fixing the salary by restoring four special increments and by granting the proficiency step up on completion of 9/16 years service; the pension of the petitioner has been re-fixed and revised pension case is being sent to the competent authority.

In view of the above, the present petition is disposed of as having been rendered infructuous.

As the order is being passed in the absence of arguing

counsel for the petitioner, if any grouse still subsists, the petitioner is at liberty to represent to the competent authority.

28.02.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No