

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

CWP-12061-2015

Date of decision: - 06.12.2018

Ram Sarup

....Petitioner

Versus

Punjab National Bank and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Peeush Gagneja, Advocate
for the petitioner.

Mr. Krishan Singh Dadwal, Advocate,
for the respondents.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present case, the petitioner has approached this Court for the release of the service benefits including the protection of pay, which he was getting while working in the Army.

For the said claim, the petitioner has served respondents with a legal notice on 11.11.2014 (Annexure P-8) and the said legal notice was replied to by the respondents, vide reply dated 11.12.2014 (Annexure P-9).

I have heard learned counsel for the parties and gone through the record.

In fact, the petitioner has himself mentioned that the

petitioner retired from Army w.e.f. 01.03.1986 and thereafter, he was re-employed in the respondent/Bank on 12.12.1986 wherein, his pay was fixed at ₹524/- per month as basic pay. At the time of retirement of the petitioner from Army, the petitioner was getting ₹999/- per month as basic pay, which the petitioner wants to be protected.

Notice of motion was issued on 24.08.2015.

In the reply, the respondents stated in paragraph 2 that after the employment in the Bank, the petitioner was entitled for a basic pay of ₹524/- per month and his basic pay in the defence service was ₹999/-per month, which was protected. After the protection, the salary of the petitioner was fixed as ₹1058.48/-.

In replication to paragraph 3 of the reply, the petitioner himself has mentioned that the petitioner was entitled for basic salary of ₹999/- per month. Once the basic pay of the petitioner, according to the averments made by him, was protected, there is no question of grant of any other benefits.

During the course of the arguments today, counsel for the petitioner states that the petitioner had approached the Arms Forces Tribunal for enhancement of his basic salary from ₹999/- per month and Arms Forces Tribunal had already granted the said benefit in this regard on 23.03.2018.

Counsel for the petitioner admits that this order is yet to be implemented by the defence authorities.

Be that as it may, if the petitioner succeeds in getting his basic salary enhanced by the defence authorities, then only any claim can

be made by the petitioner. At this stage, whatever the salary was fixed by the Bank, was according to the Rules and no fault could be pointed out by the petitioner in this regard.

As the present writ petition has no merit, the same is hereby dismissed.

However, in case, the petitioner succeeds in getting a higher pay fixed by the defence authorities, he shall be at liberty to approach the appropriate authorities in this regard making a claim and the present order will not come in his way.

December 06, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No