

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

Sr. No.214

**Civil Writ Petition No.16901 of 2014 (O&M)
DECIDED ON: May 17, 2018**

SUBHASH CHANDER

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Karan Singh, Advocate,
for the petitioner.

Mr. Charanjit Singh Bakshi, Addl. A.G., Haryana,
for respondents No.1, 2 & 4.

Mr. Jatinder Nagpal, Advocate,
for respondents No.3 & 5.

JASPAL SINGH, J. (ORAL)

Petitioner-Subhash Chander has preferred the instant petition under Articles 226/227 of the Constitution of India, seeking issuance of a writ particularly in the nature of Certiorari for setting aside the order dated 17.09.2013 (P-11), whereby 3rd ACP granted to the petitioner by the competent authority w.e.f. 01.10.2009 vide order dated 14.02.2012 (P-1) has been kept in abeyance and have not so far been released/dispensed to the petitioner.

2. Undoubtedly, vide order dated 14.02.2012 (P-1) passed by the Commissioner, Municipal Corporation, Yamuna Nagar-Jagadhri, petitioner was granted 3rd ACP w.e.f. 01.10.2009. But subsequent thereto, the benefits accrued on the basis of said order were not released in favour of the petitioner vide order dated 17.09.2013 (P-11). It was observed that on account of pendency of SLP No.38930 of 2012 preferred by the Government, petitioner cannot be granted revised pension. But to the utter

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surprise, SLP No.38930 of 2012 is not in any way concerned with the relief granted to the petitioner or order dated 14.02.2012 (P-1) passed by the Commissioner, Municipal Corporation, Yamuna Nagar, whereby he has been granted 3rd ACP. Aforesaid SLP in fact, pertains to some other relief(s) accrued in respect of 6th Pay Commission which is not the subject matter of instant petition. Thus, an observation made by the Commissioner, Municipal Corporation, Yamuna Nagar in the order dated 17.09.2013 (P-11) is not sustainable in the eyes of law and deserves to be quashed.

3. Accordingly, instant petition is allowed and order dated 17.09.2013 (P-11) is set aside. Respondents are directed to calculate and release arrears accrued to the petitioner on the basis of order dated 14.02.2012 (P-1), whereby petitioner has been granted the benefit of 3rd ACP w.e.f. 01.10.2009, within a period of two months from the date of receipt of a certified copy of this order.

4. Since, the aforesaid benefits appears to have been withheld without any plausible reason and petitioner is deprived of its use and he is entitled to interest @ 9% per annum after the expiry of three months from passing of the order dated 14.02.2012 (P-1) till actual payment.

5. In case of non compliance of this order, petitioner shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

May 17, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**