

CWP No. 21590 of 2018

DECIDED ON: SEPTEMBER 06, 2018

DR. R.M.P. JAISWAL AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Aayush Gupta, Advocate
for the petitioners.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of mandamus directing the respondents to fix their pension equivalent to 50% of the minimum of the pay in the pay band plus grade pay instead of minimum of the pay band and grade pay, in view of memorandum issued by the Government of Haryana dated 06.02.2015 (P-12) as well as in view of the judgment rendered by Hon'ble Division Bench of this Court CWP No. 19641 of 2009 titled as **R.K. Aggarwal and others vs. State of Haryana and others;** decided on 21.12.2012 (P-7), with further direction that the same be made applicable w.e.f. 01.01.2006 and to refix their pension accordingly, and to release the consequential benefits arising therefrom, including arrear and interest.

2. Learned counsel for the petitioners contend that though a legal notice dated 31.05.2018 (P-14) was duly served upon the respondents but till date neither any reply has been received nor any conscious decision has been taken by the authorities. He further submits that petitioners feel satisfied in case a direction is issued to respondent No.2 to decide the aforesaid legal notice (P-14), within some specified period.

3. Instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioners in the legal notice dated 31.05.2018 (P-14) and to take a conscious decision by passing a speaking order in the light of the judgment referred to above in para no.1 of this order, within a period of four months from the date of receipt of a certified copy of this order.

4. In case, petitioners still feel aggrieved by any of the order(s) passed by the aforesaid authority, they shall be at liberty to have recourse to the remedies available under law and/or to approach this Court.

SEPTEMBER 06, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No