

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

Sr. No.117

Civil Writ Petition No.22430 of 2018
DECIDED ON: September 05, 2018

RAVI KUMAR AND OTHERS

..PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sat Narain Yadav, Advocate,
for the petitioners.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Article 226 of the Constitution of India, petitioners have sought an issuance of a writ especially in the nature of:-

- (i) Certiorari quashing the impugned letter dated 28.03.2017 (P-6) issued by respondent vide which the petitioners denied the pensionary benefits only on the ground that you were not petitioners in earlier writ petitions No.1684 of 1997, 275 of 1998 and 4518 of 2000, which were attain final order dated 11.08.2003 (P-4) and upheld by the Hon'ble Apex Court vide order dated 08.12.2015 (P-5);
- (ii) writ of mandamus directing the respondents to restore the deductions made from the payment of additional Dearness Allowance w.e.f. 01.05.1973 onwards along with arrears;
- (iii) to quash the deduction/cut ordered vide the offending

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parts of paragraphs 3 & 4 (P-3) in respect of ad hoc relief allegedly paid in excess;

(iv) certiorari to strike down the offending part of definition of term 'existing emoluments' with regard to 'minus excess payment of ad hoc relief as contained in Rule 3(d)(ii) of the Rules.

2. Learned counsel for the petitioners contends that though a representation was made to the respondent No.3 on 18.06.2017 (P-7) but till date neither any reply to the said representation has been received nor any final order has been passed by the concerned Department. He further submits that they feel satisfied in case a direction is issued to respondents to decide the aforesaid representation (P-7), within some specified period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents to consider the grievances unfolded by the petitioner in the representation dated 18.06.2017 (P-7) and to take a conscious decision in accordance with law, rules, regulation and after considering all the facts narrated in the aforesaid representation, within a period of three months from the date of receipt of a certified copy of this order.

4. However, if petitioners still feel aggrieved by any of the orders passed by the aforesaid authority, they shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

September 05, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**