

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

Sr. No.211

Civil Writ Petition No.5960 of 2015
DECIDED ON: August 28, 2018

MEHANGA SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Jyoti Sareen, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought an issuance of a writ in the nature of Mandamus directing the respondents to count the period of service rendered by him during Second National Emergency towards grant of increments and grant of pension in terms of Rule 8-B of the Punjab Recruitment of Ex-servicemen (First Amendment) Rules, 2009 and to re-fix his pay w.e.f. 29.07.1991 after granting benefit of the increments in terms of notification dated 15.10.2009 (P-1), when he was re-appointed as ASI in the Punjab Police Department and to grant revised pension after counting period of military service towards pension and grant of arrears of revised pension from the date of his retirement along with interest @ 9% per annum.

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2. Concededly, petitioner stood retired on July 31, 2012 and was released necessary benefits. Subsequent thereto, petitioner approached the department for sanction of increments on account of past service rendered by him during Second National Emergency i.e. from 14.02.1972 to 25.03.1977 and necessary increments were sanctioned/granted to the petitioner vide order dated 20.11.2015. However, the revised pension and arrears thereof were released but after an inordinate delay regarding which there is no explanation. No fault can be attributed to the petitioner for non-disbursal of the aforesaid revised benefits. At least, after grant of increments vide order dated 20.11.2015, benefits on the basis thereof should have been released within reasonable period i.e. three months but which has not been done in the instant case. Thus, the petitioner deserves to be compensated by way of grant of interest.

3. Accordingly, instant petition is disposed of with a direction to the respondents to grant interest @ 9% p.a. after the expiry of three months from the date of increments given to the petitioner by the respondents i.e. 20.11.2015 till its actual payment. The needful is expected to be done within a period of two months from the date of receipt of a certified copy of this order. In case of default or non compliance of the order, petitioner shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

August 28, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**