

CWP No.2491 of 2018

DECIDED ON: FEBRUARY 05, 2018

HARDEV SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226 and 227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to release the benefit of 3rd ACP scale to him and thereupon revise his pension accordingly, and release the arrears thereof, along-with interest @18% per annum on the delayed payment of 3rd ACP from the due date till actual payment of the same.

2. The contention of learned counsel for the petitioner is that the grant of benefit of 3rd ACP scale to the petitioner is being withheld by the respondents simply on the ground that some housing loan is outstanding against him, who stood retired on attaining the age of superannuation on November 30, 2014. In fact in a communication to the Superintending Engineer/Admn-II, HVPNL, Panchkula vide letter dated February 16, 2016 (P-2), Executive Engineer, TS

Division, HVPNL, Madanpur, Panchkula has already submitted that entire on account of HBA interest has already been effected from the retiral benefits of the petitioner. Despite the fact that recovery has already been effected, the benefit of grant of 3rd ACP scale to the petitioner has been withheld. Even, petitioner served a legal notice dated March 10, 2016 (P-3) upon the respondents but till date no action has been taken. He further submits that he feels satisfied in case a direction is issued to respondent No.2 to consider and decide the afore-said legal notice (P-3) within a time bound manner.

3. In view of afore-said facts and circumstances, instant petition is disposed of with a direction to respondent No.2 to look into the grievances unfolded by the petitioner in his legal notice (P-3) and to decide the same in accordance with law, rules and regulations within a period of three months from the date of receipt of certified copy of this order. In case the authority comes to the conclusion that petitioner is not entitled to the relief so claimed through the legal notice, to pass a speaking order and in that event, petitioner shall be at liberty to have recourse to the other remedies available to him under law.

FEBRUARY 05, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>