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

**CWP-10430-2015 (O&M)
Date of Decision: 28.03.2019**

Gian Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dinesh Sharma, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. AG, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which has been raised by learned counsel for the petitioner is that the petitioner was entitled to re-fixation of his pay by granting him promotional increment on his promotion as BPEO and also for three annual increments starting from the year 1991 till he retired on 31.12.1993.

The facts which have been stated in the writ petition are that the petitioner was appointed as JBT Teacher on 21.06.1954. In May, 1982, he was promoted as Head Teacher and thereafter in May, 1985, he was promoted to the post of Central Head Teacher. Finally, on 02.01.1990, he was promoted as BPEO and was posted at Ludhiana. While working as BPEO, Ludhiana, the petitioner was suspended on 19.10.1990 and relieved from his services w.e.f. 05.11.1990. He remained under suspension till 04.07.1991 when he was reinstated. Thereafter, on 31.12.1993, the petitioner retired on attaining the age of superannuation.

Learned counsel for the petitioner states that the petitioner was entitled for one promotional increment when he was promoted as BPEO in the year 1990 and also for three annual increments while he was working as such which was not granted on the ground that the petitioner was suspended.

Upon notice of motion, the respondents have filed reply. In the reply, the respondents have mentioned that the pay of the petitioner has been re-fixed by granting him benefit which he was asking for. Order to this effect was passed on 04.03.2016, a copy of which has been appended as Annexure R-1 with the reply. The relevant paragraph of the reply is as under:-

“2. That through the instant Civil Writ Petition the petitioner has demanded to refix his pay by giving one promotional increment of B.P.E.O. in the year 1990 and three annual increments w.e.f. 1990 till his date of retirement i.e. 31.12.1993 and after such fixation to further refix and release entire retiral benefit and arrears with interest @ 18% per annum from due date till date of payment.

3. That the benefits demanded by the petitioner were not granted to him and kept with held by the department due to his suspension and pending department inquiry against him.

4. That now after carefully perusing his record regarding the benefits demanded and departmental proceedings; speaking order No. E-5/2016/EE-625-628 dated 4.3.2016 has been issued by the office granting deponent the following benefits as demanded by him:

DATED	REVISED PAY	REMARKS
01/10/89	2300	
04/01/90	2400	Increment as B.P.E.O.
19-9-1991	2460	Annual increment (suspension time) (6-11-1990 to 19-7-1991)
01/09/92	2520	Annual increment
01/01/93	2480+40	Change instructor
01/09/93	2550+40	Annual increment

Copy of the speaking order dated 4.3.2016 is annexed herewith a Annexure R-1 for the perusal of Hon'ble Court.

5. That the bills of payments as per the speaking order were under preparation and will be submitted to the treasury office Ludhiana for the releasing the same to the petitioner.

6. That as mentioned above the grievance of the petitioner has been redressed as all the benefits demanded by him have been granted to him by issuing speaking order dated 4.3.2016 by the office of the deponent. In this way the instant civil writ petition has been become infructuous therefore it may please be dismissed in the interest of Justice.”

Learned counsel for the petitioner states that though the order has been passed on 04.03.2016 but according to his instructions, the payments as per the order dated 04.03.2016 has not been released so far.

Learned counsel for the respondents on the other hand says that there can not be any possibility of the non-implementation of order (Annexure R-1) dated 04.03.2016 even after expiry of three years. He assure this Court that in case, the averments made by the petitioner counsel are true that the order dated 04.03.2016 is yet to be executed/complied with, the

same will be done within a period of two months from today and all the consequential benefits as granted by order dated 04.03.2016 will be given to the petitioner within the above said period including the revised pensionary benefits and arrears of pay.

Keeping in view of the undertaking given by the learned counsel for the respondents, learned counsel for the petitioner says that he does not press the writ petition any further.

The writ petition is disposed of having been not pressed in view of the statement made by the learned counsel for the respondents.

28th March, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: No