

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 1060 of 2015
Date of Decision : 14.01.2019

Baldev Krishan and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. O.P. Gabba, Advocate for the petitioners.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Harsimran Singh Sethi, J.(Oral)

Learned counsel for the petitioners states that the petitioners have not been granted the difference of revised gratuity accruing to them due to the re-fixation of their retiral benefits upon re-exercise of the option. Learned counsel for the petitioners relies upon the judgment of this Court passed in CWP No. 7464 of 2009, decided on 25.02.2010 (Annexure P-1) to claim the said difference upon re-fixation.

A bare perusal of the order passed by the Coordinate Bench of this Court dated 25.02.2010 only grant the relief of notional fixation and the actual payment is to be made only from the date the order is passed.

This Court passed the following order on 06.07.2018 :-

“In compliance of order dated 21.12.2016, affidavit of Ms. Sangita, Under Secretary to Government of Punjab, Department of Finance has already been filed which only deals with the payment of leave encashment and ex-gratia to the

employees of Education Department and is absolutely silent with regard to the other departments i.e. transport, irrigation, PWD B&R and Revenue.

Learned State counsel is advised to furnish an additional affidavit of the responsible officers of the aforesaid departments in consonance with the information sought vide order dated 21.12.2016. Further, it may also specify in the affidavit as to why letter dated 25.10.2012 (Annexure P/1A) is made applicable only to some selective department(s) and not to the departments referred to above.

List on 28.08.2018.”

In compliance of the said order, an affidavit has been filed by the respondents-State in Court today, which is taken on record and the copy of the same has been supplied to learned counsel for the petitioners. It has been stated in the affidavit that the Instructions to all the departments had already been issued on 25.10.2012 to allow the exercise of the option to the employees but the benefits were to be given notionally and no arrears is to be paid till the date of the application.

In the reply, it has been admitted by the respondents that in view of the Instructions dated 25.10.2012, petitioner No. 6 gave an option on 20.12.2012 and his revised pay has already been re-fixed vide letter dated 04.01.2013 and the same has been allowed from the date of application.

Learned counsel for the petitioners states that the petitioners are entitled for the actual benefits also as per the judgment dated 25.02.2010 (Annexure P-1), which is not born out from the order passed by the Co-ordinate Bench of this Court on 25.02.2010.

It has not been disputed by learned counsel for the petitioners

that the petitioners have already been allowed to exercise the option and their pay and the pension has already been revised.

Once the respondents-department has admitted in the affidavit filed today that the benefit of actual pay is to be granted from the date of application, the present writ petition is disposed of with a direction to the respondents to grant the benefit of revised pension with effect from the date the application was made by each of the petitioner in case not already made to them before passing of this order. An exercise in this regard be undertaken by the respondents and the petitioners be informed about the re-fixation done and the monetary benefits, if they are entitled for after their date of application for the exercise of the revised pension. No further orders are called for and the present writ petition is dismissed.

Let the exercise be done within a period of two months from the date of receipt of copy of this order.

Disposed of.

January 14, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*