

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

CWP-16003-2016

Date of decision: - 18.07.2019

Ex. Inspector Sohan Lal

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.K. Arya, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

The claim which is being raised by the petitioner is for the release of the benefit of two annual increments for the period which the petitioner served on extension as well as counting of the said period, for which he served on extension, for revising the pensionary benefits.

This case came up for hearing on 10.04.2019, on which date, the following order was passed by this Court: -

“Learned counsel for the petitioner states that two years extension for which the petitioner had served after attaining the age of 58 years needs to be computed as a qualifying service for computing the pensionary benefits. In this regard, he relies upon the instructions issued by the Department of Finance Annexure P-3

dated 22.01.2013.

Learned counsel for the petitioner states that if the two years are to be added as a qualifying service, then the petitioner has 22 years of service to his credit whereas, the pension of the petitioner has been fixed by taking the same as 20 years, which is contrary.

Learned counsel for the respondents states that as per the record, the pension which was calculated to be granted to the petitioner has been calculated on the basis that the petitioner has 22 years of service to his credit and pension calculated was Rs.11,004/-.

Counsel for the respondents is not able to reconcile that in case the petitioner's pension was Rs.11,004/- as calculated by the department then why in the pension payment order dated 02.03.2016 (Annexure P-1), the total service rendered by the petitioner is 20 years and the pension fixed as Rs.10,004/-.

Faced with this situation, learned counsel for the respondents requests for an adjournment so as to file an affidavit clarifying the above said position.

Adjourned to 15.05.2019.”

Today, reply by way of affidavit of Sh. Navjot Singh Sandhu, PPS, Superintendent of Police, (HQ) Gurdaspur has been filed on behalf of respondents No.1 to 3, in which, it has been stated that the benefit for which the petitioner was entitled for after taking into consideration the service, has been given to him as per the instructions issued by the Government of Punjab in this regard. The affidavit filed by the respondents today in Court is as under: -

“That the petitioner has filed the present petition inter alia are issue of directions to the respondents to release the two annual increments for extension period of service rendered beyond date of superannuation as per the instruction contained in Government of Punjab, Department of Finance instructions/Notification dated

08.10.2012 (Annexure-P-2) and 22.01.2013(Annexure P-3) further extended period of service beyond period of service beyond retirement be counted for qualifying for pensionary benefits and also release gratuity of the petitioner for extended period of service beyond retirement.

2. That pension case of the petitioner finalized vide letter No. Pen-06/2181648180/2015-16/PE/16/10/800100246 dated 02.05.2016 by taking into account 20 years qualifying service and pension to the tune of Rs. 10004/- was authorised.

3. That pension of the petitioner was revised from Rs. 10004/- to Rs. 11005/- and qualifying service enhanced from 40 half years to 44 half years as claimed by the petitioner, by way of issuing revised authority for change of pension vide letter No. Pen-18/2181648180/2016-17/PE/16/15/80119550 dated 20.12.2016 by the respondent No. 4 i.e. Accountant General (A&E) Punjab, Chandigarh. Attested copy attached as Annexure-R-1.

4. That the petitioner joined in the Police Department as Assistant Sub Inspector of Police on 13.12.1993 and retired from service on 29.02.2016 after attaining the age of 60 years of service. After the age of 58 years of his service he was granted extension in service in view of instructions/ notification dated 22.01.2013 Annexure P-2. During the period of his extension the Government of Punjab, Finance Department (Finance Personnel-2 Branch) dated 30.10.2015 issued instructions/notification (Annexure P-4). It is clearly mentioned in this instructions that in accordance with the amended provisions of Punjab Civil Services Rules, Volume I, Part-1 and Punjab Civil Services Rules, Volume-II, those employees who will submit their option for extension upto 2 years (year wise) after retirement from service on attaining the age of 58/60 years in service, they will not be given the following benefits: -

- (I) Promotion
- (II) Benefit of ACP.
- (III) Annual grade increment and
- (IV) Pay Scales amended by the Govt.

These conditions will be apply in Toto to the present employee on extension of 1st year or 2nd year.

The petitioner submit his option in this regard, so the petitioner is not entitled to release of the two annual increments for extended period of service beyond retirement as per instructions (Annexure P-4).”

After going through the above-said affidavit, counsel for the petitioner very fairly states that all the benefits, for which the petitioner was entitled, have been released to him and no further grievance survives.

Keeping in view the above, the present petition has been rendered infructuous and the same is being disposed of as such.

(HARSIMRAN SINGH SETHI)
JUDGE

July 18, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	Yes