

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19282 of 2016 (O&M)
DATE OF DECISION:15.11.2019

Mohinder Singh

... Petitioner

Versus

Pepsu Road Transport Corporation Patiala and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Rachna Slath, Advocate for
Mr. Vikas Singh, Advocate
for the petitioner.

Mr. Aman Sharma, Advocate with
Mr. Chirag Suri, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM No.17062 of 2019

The present application has been filed for placing on record replication by the petitioner to the written statement filed by the respondents.

Application is allowed.

Replication is taken on record.

CWP No.19282 of 2016

The grievance which has been raised in the present writ petition is that the respondents have not taken into account the total length of service of the petitioner as qualifying service for computing his pensionary benefits.

The prayer of the petitioner is for issuance of a direction to the respondents to release the retiral benefits by taking into consideration the total length of service and also for the arrears, which are yet to be released after the revision of the pay scale as well as grant of step up increment on completion of 8/16/24 years of service.

The respondents have filed reply in which they have stated that the total length of service has been taken into account while calculating the qualifying service and all the benefits, for which the petitioner was entitled for, have already been released. The relevant averments of the written statement are as under:

“1. That the petitioner has filed the instant petition praying for a writ in the nature of mandamus directing the respondents to re-fix the salary of the petitioner by counting the entire service rendered by him and accordingly re-fix his retiral benefits and also pay him arrears on account of revision of pay scales as also grant him pay of step-up increment on completion of 8,16,24 years of service and overtime allowance for the period 2005 to 2008.

2. That at the very outset it is respectfully submitted here that the petitioner joined the service of the answering respondent on 01.08.1970 and superannuated on 31.03.2009. Thereafter, he was paid the due amount of retiral benefits as under:-

Sr. No.	Head of Payment	Amount Paid
1	GPF	Rs.3,55,100/-
2	Gratuity	Rs.1,84,681/-
3	Revised Gratuity	Rs.36,757/-
4	Leave Enashment	Rs.1,06,720/-
5	Arrears of Revision of pay scales w.e.f. 01.01.2006	Rs.4,242/-
6	Arrears of Dearness Allowance	Rs.11,570/-
7	Overtime allowance	Rs.25,989/-

3. That it is further relevant to mention here that the said payments were released to the petitioner way back in the year 2015. Furthermore, in the affidavit submitted by the answering respondent before this Hon'ble Court in COCP No.1210 of 2015 filed by the petitioner (Annexure P-8), it has also been mentioned that an amount of Rs.74,662/- on account of arrears of revised pay scale has not been released to the petitioner and the same shall be released as per his seniority.

It is pertinent to mention here that the above said amount of Rs.74,662/- has also been paid by the office of the answering respondent and the said amount has been deposited in the account of the petitioner in installments as under:-

Intallement No.	Amount	Remarks
1	Rs.14,932/-	September 2011
2	Rs.14,932/-	May 2012
3	Rs.22,401/-	July 2016
4	Rs.22,398/-	August 2018

4. That in view of the submissions made above, the instant petition is liable to be dismissed as the due service benefits stand released to the petitioner.”

Counsel for the petitioner states that she is yet to verify the averments, which have been made in the written statement and prays that the petitioner be given liberty to approach the respondents in case the averments, as made in the written statement, are found to be incorrect, by filing appropriate representation.

Counsel for the respondents states that in case any representation is received from the petitioner with regard to any claim, which according to the petitioner is yet to be released, an appropriate order will be passed within a period of three months from the receipt of the said representation.

Counsel for the petitioner states that keeping in view the undertaking given by the counsel for the respondents, she does not

want to press this writ petition any further and the same may be disposed of accordingly.

Ordered accordingly.

November 15, 2019

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**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No