

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

(250)

CWP-18756-2017

Date of Decision: February 14, 2019

Shalinder Kaur

..Petitioner

Versus

State of Punjab & ors

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. V.K. Shukla, Advocate, for the petitioner.

Ms. Deepali Puri, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the prayer made by the petitioner is that due to the wrong fixation of pay, her pensionary benefits have been wrongly calculated and further, all the benefits for which the petitioner is entitled for, have not been released.

As per the averments made in the writ petition, the petitioner was appointed as a Clerk with the respondents Panchayat Smiti on 02.02.1995 and was further promoted as a Junior Assistant on 26.11.2005 and she retired working as such on 31.01.2017.

In the present writ petition, the petitioner is challenging the order Annexures P-4 dated 27.04.2017 and P-5 dated 02.08.2017 by which the pay of the petitioner was refixed to her detriment while computing the pensionary benefits.

Upon notice of motion, separate replies have been filed on behalf of respondents No. 1 and 2 as well as on behalf of respondent No.3.

In reply filed on behalf of respondents No. 1 and 2, it has been submitted that all the payments in respect of the retiral benefits have already been made to the petitioner amounting to Rs.9,24,308/-. The relevant paragraph of the reply of respondents No. 1 and 2 is as under:-

“That it is further submitted that other retiral benefits has also been paid to the petitioner as per table given below:

S. No.	Detail of Payment	Amount	Cheque No. & Date
1.	Gratuity	4,45,577/-	Cheque No. 000971 dated 08.02.2017
2.	Leave Encashment	3,44,310/-	Cheque No. 000971 dated 08.02.2017
3.	CPF	1,34,421/-	Cheque No. 000971 dated 08.02.2017
	Total	9,24,308/-	

Thus all the permissible retiral benefits had been granted to the petitioner”

3. That a short reply is being filed at this stage and the answering respondents seeks the liberty of this Hon'ble Court to file a detailed reply, later on, if required.

4. That nothing is due against the answering respondents. Therefore, the present petition has become infructuous which deserves to be dismissed.

Further, in the reply which has been filed on behalf of respondent No.3, the respondent has stated that the grievance of the petitioner has been redressed and her salary has again been refixed and even the arrears of the refixation amounting to Rs.66,119/- have also been paid to the petitioner on 06.02.2019. The relevant paragraph 3 and 4 of the said reply is as under:-

“3. That the pension case of the petitioner had been sent to the office of respondent No.2 which was received in their office on 06/01/2017. During the processing of the pension case of the petitioner, the audit wing of respondent No.2 raised certain objections and the same were communicated to answering respondent No.3 vide letter No.629 dated 27/04/2017 (Annexure P-4). Accordingly, the answering respondent No.3 removed the objections raised by the competent authority and vide letter No.4836 dated 15/03/2018 the case sent back to the office of respondent No.2 after re-affixing the pay of the petitioner. After receiving the pension case of the petitioner, the office of respondent No.2 granted pension @ Rs.7020+ allowances per month from 01/02/2017 and further, arrears of Rs.2,28,813/- (from 01/02/2017 upto 28/02/2018) have been deposited in the bank account No.3450000108767360 of the petitioner vide their office letter No.331 dated 23/03/2018.

4. That it is further submitted that the salary of the petitioner was refixed and the arrears for the period from 02/11/2005 upto 31/01/2017 amounting to Rs.66,119/- have been paid to the petitioner on 06/02/2019.

5. That it is evident that the retiral benefits already stand paid to the petitioner and the pension is being duly received every month as such, the present petition deserves to be dismissed as having been rendered infructuous.”

In view of the above, the grievance which was made by the petitioner in the present writ petition stands redressed and counsel for the petitioner states that he does not wish to press this writ petition any further.

However, he prays that in case, any discrepancy has been found in the

calculation, the petitioner be given liberty to file appropriate representation with the respondents to bring to their notice the said discrepancy.

Liberty is granted. The petitioner is free to move appropriate application in case any discrepancy is found in the calculation which have been done by the respondents either in releasing the pensionary benefits or in refixing of her salary.

The present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

February 14, 2019
harsha

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No