

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

(235)

CWP-5202-2016

Date of Decision: March 07, 2019

Jagraj Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puneet Kumar Bansal, Advocate, for the petitioner.

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

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the respondents states that though the reply was to be filed within a period of four weeks as per the order dated 14.01.2019 after which, the right to file reply was to be forfeited but due to official engagement, reply could not be filed.

Learned counsel for the respondents prays that the respondents be permitted to file the reply in the Court today.

The said request is accepted subject to payment of costs of Rs.5000/- to be deposited with the Poor Patients Welfare Fund, PGIMER, Chandigarh. Reply is taken on record and copy of the same is supplied to counsel for the petitioner.

In the present writ petition, the grievance which has been raised by the petitioner is that the pensionary benefits of the petitioner needs to be refixed after taking into account the service which the petitioner had rendered during the First National Emergency from 02.12.1965 till 10.01.1968 and during the Second National Emergency from 03.12.1971 to 25.03.1977 by treating the said service as qualifying service for the grant of

increments.

As per the facts stated in the writ petition, the petitioner joined military service on 02.12.1965 and served there till 24.06.1982. During the said period, the petitioner served during the First National Emergency from 02.12.1965 till 10.01.1968. The petitioner also served during the Second National Emergency, which remained in operation from 03.12.1965 till 25.03.1977.

After discharging from the Army, the petitioner joined as a Chowkidar with the respondents-department on 08.12.1982 and he continued working as such till he retired on 30.10.2005.

Present writ petition has been filed by the petitioner stating that he is entitled for the grant of increment for the period of the First National Emergency as well as for the Second National Emergency as per the Punjab Recruitment of Ex-Servicemen Rules, 1982, amended from time to time.

Upon notice of motion, the respondents have filed the reply today in the Court.

According to the reply, the averments made hereinabove have been admitted and as per the reply, the petitioner has been granted the benefit as being claimed in the present writ petition vide order dated 28.03.2017 and a sum of Rs.33,975/- has been paid to the petitioner on account of arrears as well.

Further, it has been admitted by the respondents that even the pensionary benefits of the petitioner have been revised after the grant of increment and the balance amount of DCRG amounting to Rs.9396/- has also been released to the petitioner. The relevant paragraph of the reply is as under:-

“2. That in the present writ petition the petitioner has prayed for issuance of writ in the nature of mandamus directing the respondents to re-fix and pay the revised pay scale, allowances and revised retiral and pensionary benefits of monthly pension, commute pension, gratuity, leave encashment, provident fund etc. after taking into consideration the service rendered by the petitioner during the first National Emergency period from 02.12.1965 to 10.01.1968 as well as the Second National emergency period from 03.12.1971 to 25.03.1977 as per the Punjab Recruitment of Ex-Serviceman Rules 1982 as amended upto date.

3. That it is respectfully submitted that after considering the case of the petitioner the office of deponent has granted the benefit of service rendered by the petitioner during first and second national emergencies as stated above and pay of the petitioner has been re-fixed vide order dated 28.03.2017 issued vide Endst. No. A-10-2017/2458 dated 28.03.2017 by the office of the deponent and amount of Rs.33975/- was paid to the petitioner on account of arrears of pay fixation vide Cheque No.001364 dated 22.05.2017. Copy of the said order was also sent to the petitioner. True translated copy of the same is also attached herewith as Annexure R-1 for the kind consideration of this Hon'ble Court.

4. That the case for revision of pension and Death-cum-retirement Gratuity (DCRG) of the petitioner was also sent to the office of the Accountant General Punjab Chandigarh. The rate of pension of the petitioner has been revised by the

office of the Accountant General (Accounts and Entitlement) Punjab Chandigaryh vide order No.SAI-Pen.18/Pen-02/J-27/2009-10/433-36 dated 11.12.2017, a copy of the same was also sent to the petitioner and attached herewith as Annexure R-2. Further the balance amount of Death-cum-retirement Gratuity (DCRG) i.e. Rs.9396/- has also been sanctioned by the office of Accountant General (A&E) Punjab Chandigarh vide order Pen No-18/Pen-02/J-27/2009-10/431-32 dated 11.12.2017 and bill of amount of Rs.9396/- on account of arrear of the Death-cum-retirement Gratuity (DCRG) was also sent to the office of District Treasury officer, Ferozepur on 13.02.2018. A true typed copy of the above said order of Accountant General (A&E) Punjab, Chandigarh is attached herewith as Annexure R-3.”

Learned counsel for the petitioner states that though the reply states that all the benefits for which the petitioner is entitled for, have been granted but as the reply has been filed in the Court today, the petitioner be given liberty to approach the respondents in case, according to the petitioner any of his relief, as claimed in the present writ petition has been still left unaddressed.

Petitioner is granted liberty to file appropriate representation, in case he feels that any of the relief for which he was entitled for, has not been granted to him so far.

In case, any such representation is filed by the petitioner, the respondents are directed to decide the same within a period of two months from the receipt of the same by passing an appropriate speaking order.

In case, petitioner is found entitled for any payment upon the decision on his representation, the same shall also be released to him within a period of one month thereafter.

Present writ petition stands disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

March 07, 2019
harsha

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