IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

(113) **CWP-26866-2019**
Date of Decision: September 20, 2019

Ram Swarup Gupta and others **.. Petitioners**

Versus

State of Punjab and others **.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sameer Sachdeva, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioners argues that the pension of the petitioners has not been rightly fixed keeping in view the notification of the Government of Punjab dated 30.12.2010, according to which, pension of the pensioner cannot be less than 50% of the pay in the pay band of the post from which he had retired.

Learned counsel for the petitioners states that the Delhi High Court has already interpreted as to how the pay of an employee is to be fixed in the minimum of the pay in the pay band in respect of the post from which employee had retired vide judgment dated 29.04.2013, a copy of which has been attached as Annexure P-8.

Learned counsel for the petitioner states that the petitioners' pay is not correctly fixed keeping in view the order passed by the Delhi High Court wherein, the interpretation has been rendered as to how the pension of the petitioners is to be fixed.

Learned counsel for the petitioners states that a direction be issued to the respondents to grant the petitioners the benefit of fixation of pension, as per the interpretation of the Delhi High Court in the judgment attached as Annexure P-8 dated 29.04.2013.

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Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioners have served the respondents with a legal notice dated 18.01.2019 (Annexure P-14) which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the legal notice dated 18.01.2019 (Annexure P-14), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 18.01.2019 (Annexure P-14), within a period of three months from the receipt of certified copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

September 20, 2019
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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