

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

Letters Patent Appeal No. 43 of 2019 (O&M)

Date of Decision: 26.02.2019

Kuldip Singh Yadav

.....Appellant

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Appellant Kuldip Singh Yadav in person.

KRISHNA MURARI, CHIEF JUSTICE (oral)

This intra-court appeal under Clause X of the Letters Patent has been filed by the appellant against the judgment and order dated 16.10.2018 passed by the learned Single Judge dismissing the writ petition filed by him.

2. The appellant approached this Court under Article 226 of the Constitution of India challenging the order dated 06.08.2018 passed by respondent No.2 rejecting his claim for re-fixation of pension w.e.f. 01.02.2011.

3. Admittedly the appellant-petitioner sought pre-mature retirement voluntarily on 30.09.1991 and was pre-maturely retired w.e.f. 01.02.2011. The appellant-petitioner was claiming re-fixation of his pension seeking parity with one Gurban Singh, a Proof Reader, who was still in employment. His claim was rejected by the authorities on the ground that the pay scale admissible to Gurban Singh was on the basis of Assured Career

Progression Scheme after rendering requisite service under the said scheme and thus the appellant was not entitled to pay scale admissible to Gurban Singh and the pension being granted to him on the basis of pay drawn by him at the time of his pre-mature retirement was not liable to be revised.

4. Learned Single Judge dismissed the writ petition by holding that the petitioner would not be entitled to revision of pension on the basis of pay scale which was being drawn by Gurban Singh as the pay scale was being paid to Gurban Singh on the basis of Assured Career Progression Scheme to which the appellant-petitioner would not be entitled. We see no good reason to take a view different than the one taken by the learned Single Judge. Appeal is thus devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.02.2019
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Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√