

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

120

CWP-10338-2020

Date of decision: 21.07.2020

Jagdish Lal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Parminder Singh, Advocate for the petitioner.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus to direct the respondents to consider the representation dated 03.02.2020 (Annexure P-2) for revision of his pension under the Revised Pension Rule/Scheme in the light of instructions dated 07.12.2018 (Annexure P-1), a writ in the nature of certiorari quashing order, if any, of respondent No.6 for making recovery from his pension and a writ in the nature of mandamus directing payment of fixed medical allowance w.e.f 01.03.2003 and change of his address for medical reimbursement.

Briefly stated the petition has been filed on the averments that the petitioner was recruited on the post of Clerk in PWD Irrigation Department on ad-hoc basis on 17.08.1966. The services of the petitioner were regularized on 01.01.1970 by the Staff Selection Board.

Thereafter, the petitioner had qualified for SA and was posted as

Section Officer in the year 1982 and thereafter promoted to the post of Accounts Officer in the Social Welfare Department, Kurukshetra in the year 1997. The petitioner retired from service on 28.02.2003 on attaining the age of superannuation. The petitioner is entitled to revision of his pension as per instructions dated 07.12.2018 issued by Government of Haryana w.e.f 01.01.2016. The petitioner is entitled to fixed medical allowance from the date of retirement till date which is not being paid to him. Respondent No.6 has made wrong deduction from his pension. The petitioner made representation dated 03.02.2020 in this regard. The petitioner also made representation dated 18.02.2020 for change of his address for the purpose of medical reimbursement.

Learned Counsel for the petitioner has, while reiterating the factual averments, submitted that no action has been taken on the representations dated 03.02.2020 and 18.02.2020 by respondents No.1 to 5.

Notice of motion restricted to respondents No.1 to 5.

Pursuant to supply of advance copy, Mr. Deepak Manchanda, Addl. A.G., Haryana has appeared and accepted notice on behalf of respondents No.1 to 5.

At this stage learned Counsel for the petitioner has submitted that the representation dated 03.02.2020 (Annexure P-2) is pending before respondent No.1 and representation dated 18.02.2020 (Annexure P-4) is pending before respondent No.2 which may be ordered to be disposed of.

Learned State Counsel has submitted that he has no objection if the petition is disposed of with a direction to respondent

No.1 and 2 respectively to dispose of the representations dated 03.02.2020 (Annexure P-2) and 18.02.2020 (Annexure P-4) respectively.

In view of the facts and circumstances of the case but without meaning to comment on merits in any manner, the petition is disposed of with a direction to respondent No.1-the Additional Chief Secretary, Department of Finance, Haryana to look into the matter and dispose of the representation dated 03.02.2020 (Annexure P-2) of the petitioner and with a direction to respondent No.2-the Director, Social Justice and Empowerment, Haryana to look into the matter and dispose of the representation dated 18.02.2020 (Annexure P-4) of the petitioner in accordance with law by way of passing a speaking order expeditiously, preferably within a period of three months from the date of receipt of a copy of this order.

A copy of this order be supplied to learned State Counsel and be also sent to respondent No.1-the Additional Chief Secretary, Department of Finance, Haryana and respondent No.2-the Director, Social Justice and Empowerment, Haryana through e-mail for information/requisite compliance.

21.07.2020

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**(ARUN KUMAR TYAGI)
JUDGE**

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