

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

106

CWP-10615-2020

Date of Decision: 27.07.2020

Santokh Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Tushaar Madaan, Advocate, for the petitioner.

Ms. Palika Monga, DAG Haryana

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition the petitioner prays for issuance of a direction to the respondents to re-fix his pay "by treating the option from 01.04.1986 pay fixation". He also seeks arrears of pay thereafter.

Learned counsel for the petitioner submits that in respect of the grievance of drawing lesser pay than his junior (as contended), the petitioner has been making representations to the respondents since 1990, i.e. for the past 30 years, with him having retired in the year 1994. The last such representation is stated to have been made on February 4, 2020 (Annexure P9).

Without making any comment on the actual merits of the case, and obviously seeing that the petitioner has decided to approach this court in respect of airing his grievance only 30 years after he first represented qua such grievance; however, if his grievance is genuine and the pension being drawn by him is found to be less, it would be a continuous and recurring

wrong throughout his life. Hence, the respondents are directed to go into the matter and the competent authority amongst them is directed to pass a detailed speaking order within a period of three months from the date of receipt of a certified copy of this order.

If the petitioner's grievance is found to be genuine, the revised pension be paid to him within a period of three months thereafter, but as regards arrears of pension, if there is any truth found in his grievance, that shall be restricted to a period of three years and two months prior to the date of filing of this petition.

At this stage, though notice of motion has not been issued by this court, Ms.Palika Monga, DAG Haryana, who has received advance notice of the petition, submits that as a matter of fact the petitioner was required to exercise his option with regard to a particular scale/pay by 01.04.1986 and obviously he not having done so, at this stage he cannot ask for a revision of the option.

Learned counsel for the petitioner counters by submitting that he was never given an opportunity of exercising that option.

Even considering the aforesaid contention, without making any comment, the order passed hereinabove will stand, with the respondents to pass a detailed order, giving reasons for rejection of the petitioner's representation, if it is to be rejected.

27.07.2020

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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No