

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

**CWP No.20062 of 2016 (O&M)
Date of decision : January 16, 2020**

Bir Singh Petitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Jyoti Sareen, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that the retiral benefits of the petitioner have not been computed correctly and certain portion of the service, which the petitioner had rendered with the Bhakhra Beas Management Board (in short 'BBMB'), has not been taken into account while calculating the pensionary benefits of the petitioner.

Further grievance of the petitioner is that the petitioner is entitled for calculation of his pensionary benefits on the basis of last drawn salary from the BBMB.

Upon notice of motion, respondents have filed the reply in which, the respondents have contested the claim of the petitioner for fixing the pensionary benefits on the last drawn salary, which the petitioner was drawing from the BBMB and in support of their objection, reliance has been placed upon the instructions of the Government of Punjab dated 26.11.2001 and it has been stated that the case of the petitioner is not covered under the said instructions for the grant of pensionary benefits on the basis of the last drawn pay.

The respondents have filed another affidavit dated 15.01.2020, wherein, the respondents have stated that the basic pay of the petitioner was fixed @ ₹8,430/- (on the basis of 10 months average emoluments) and the case of the petitioner was already forwarded to the Accountant General, Punjab, for the approval and the same was approved on 18.01.2017 and the benefit of 15 years of service in the Irrigation Department has already been granted to the petitioner. The relevant paragraph 10 of the affidavit dated 15.01.2020 is as under:

“That the Para 10 reply on merits is true and correct and the same is reiterated. However, it is submitted that the petitioner filed the writ Petition No.9869/2011 claiming the pensionary benefits on the basis of 1st pay drawn by him in BBMB Rs.8825/- instead of Rs.7220/-. The petitioner at the time of retirement was given the pensionary benefits on the basis of pay admissible to him in Punjab pay scales with last basic pay of Rs. 7220/- P.M. The revised pension case of the petitioner on the basis of last pay drawn in Punjab Pay Scales Rs.8430/- (on the basis of last 10 months average emoluments) was forwarded to the Accountant General, Punjab, Chandigarh vide letter dated 20-10-2016 and the same has been approved by the Accountant General, Punjab, Chandigarh vide letter No. 9/B-44/2001-02/4095-96 dated 18-01-2017 which is correct. The benefit of 15 years service in the Irrigation Department has already been granted to the petitioner.”

Learned counsel for the petitioner argues that the benefit of the said pay fixation has not been actually extended to the petitioner so far and the arrears are yet to be released. Learned counsel for the petitioner further

states that she does not press the prayer for fixation of pensionary benefits on the last drawn salary from BBMB.

Learned counsel for the petitioner states that as the petitioner was entitled for the benefits at the time of his retirement in 2001, the petitioner is entitled for interest, keeping in view the law laid down in Full Bench judgment of this Court in case of “*A.S. Randhawa vs State of Punjab*”, 1997(3) SCT 468.

Learned counsel for the respondents very fairly states that in case, the arrears in pursuance to the approval of the pension case by the Accountant General, Punjab, vide letter dated 18.01.2017, has not been released to the petitioner so far, the same benefits will be released to the petitioner within a period of three month from today.

Learned counsel for the respondents very fairly states that even the claim of the petitioner for grant of interest will be considered by the Department and appropriate orders will be passed in this regard within three months from the date of receipt of certified copy of this order and in case, the claim of the petitioner is covered for the grant of interest, the benefits of interest will also be released to the petitioner within a period of next three months, in accordance with law.

Keeping in view the above, no further orders are required to be passed and the present writ petition is disposed of in the above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

January 16, 2020

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Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No