

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106 - CWP No.17525 of 2020

Date of Decision: 26.10.2020

Retd. ASI Sat Narain

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Aditya Yadav, Advocate for the petitioner

GIRISH AGNIHOTRI, J. (Oral)

(1) The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

(2) Notice of motion. Ms. Palika Monga, DAG Haryana accepts notice through video conferencing. In view of the nature of order which this Court proposes to pass, there is no necessity to call upon the respondents to file their reply, at this stage.

(3) The present writ petition has been filed by petitioner retired ASI Sat Narain aged 70 years, *inter alia*, with a prayer seeking quashing of the impugned order dated 08.05.2019 (P6) vide which the revised pension of the petitioner has been rejected on the ground of compulsory retirement, which action is alleged to be against the Govt. instructions. He thus seeks revision/refixation of pension in view of the Govt. instructions (P3 to P5, P7), along with arrears with 12% interest.

(4) Learned counsel for the petitioner based upon the pleadings submits that the petitioner had again sent notice of demand for justice on 01.09.2020 (P8) through his counsel stating therein that the petitioner was retired on 30.06.2005 after completing 32 years, 2 months 8 days of service.

He submits that it was stated in the legal notice that instructions dated

04.05.2015 for revision of pension of pre-01.01.2006 retirees would be applicable. As per the petitioner, there is no difference in voluntary or compulsory retirement.

(5) Having heard learned counsel for the parties and without commenting upon the merits of the case, this Court deems it appropriate to dispose of the writ petition by directing the competent authority (respondent No.2) to consider and decide the petitioner's claim as raised in his demand notice (P8) as early as possible and preferably within four month from the date of receipt of certified copy of this order.

(6) It is further directed that in case the petitioner is found entitled for any additional arrears, the same be released within two months from the date of decision of the demand notice.

(7) So ordered.

26.10.2020
Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No