

G.N. Gautam

... Petitioner

V/S

Haryana Power Generation Corporation Limited and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr.Rajesh Arora, Advocate
for the petitioner.Ms. Anupama Sharma, Advocate
for the respondents.

NIRMALJIT KAUR, J. (ORAL)

1. Prayer in the present writ petition is for setting aside letter dated 18.02.2015 whereby the pension has been revised w.e.f. 06.02.2015 instead of 01.01.2006, with a further prayer to grant revised pension in terms of 6th Central Pay Commission w.e.f. 01.01.2006 in terms of judgement passed by the Division Bench of this Court in case of **R.K.Aggarwal and others Vs. State of Haryana and others** in CWP No.19641 of 2010 and other connected bunch of writ petitions decided on 21.12.2012. The Division Bench judgement in case of **R.K. Aggarwal's case (supra)** held as under:-

26. It is for the aforesaid reasons, we remark that there is no need to go into the legal nuances. Simple solution is to give effect to the resolution dated 29.08.2008 whereby recommendations of the 6th Central Pay Commission were accepted with

certain modifications. We find force in the submission of learned counsel for the petitioners that subsequent OMs dated 03.10.2008 and 14.10.2008 were not in consonance with that resolution. Once we find that this resolution ensures that "the fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than 50% of the sum of the minimum of the pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired", this would clearly mean that the pay of the retiree i.e. who retired before 01.01.2006 is to be brought corresponding to the revised pay scale as per 6th Central Pay Commission and then it has to be ensured that pension fixed is such that it is not lower than 50% of the minimum of the pay in the band and the grade pay thereon. As a result, all these petitions succeed and mandamus is issued to the respondents to re-fix the pension of the petitioners accordingly within a period of two months and pay the arrears of pension within two months. In case, the arrears are not paid within a period of two months, it will also carry interest @ 9% w.e.f. 01.03.2013. There shall, however, be no order as to cost.

2. Learned counsel for the respondents while opposing the same submitted that the petitioner is not entitled in view of the instructions dated 06.02.2015. It is further submitted that number of writ petitions are also pending on the similar issue.

3. However, the learned Single Bench of this Court in the case of **Ram Chand and others Vs. State of Haryana and others CWP No. 22607 of 2014** disposed of number of writ petitions vide order dated 15.05.2015 to consider the case of the petitioner in view of the Division Bench judgement rendered in **R.K.Aggarwal's case (supra)**. The said order was passed on 15.05.2015, that is, much after the instructions dated 06.02.2015.

4. Accordingly, the present writ petition is also disposed of with direction to the respondents to consider the case of the petitioner in view of the ratio judgement passed in **R.K.Aggarwal's case (supra)** and order with regard to grant of relief to the petitioner be passed within a period of three months from the date of the receipt of certified copy of this order.

31.01.2020
anju

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No