

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CWP-4366-2021

Date of decision: 24.02.2021

Harbhajan Singh

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

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

Ms. Anju Arora, Additional AG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Harbhajan Singh, stated to be aged 71 years, has filed the present petition *inter alia* with a prayer for issuance of a writ in the nature of mandamus directing the respondents to re-calculate the pensionary/retiral benefits of the petitioner on the basis of the last pay drawn by him at the time of his superannuation (on 30.04.2007) while working in officiating capacity as Principal in terms of the mandate/spirit of the law laid down by this Hon'ble Court vide judgment dated 09.09.2016 (Annexure P-3) in CWP No.17358 of 2015 titled as Jagjit Singh etc. versus State of Punjab etc. as upheld in LPA vide judgment dated 25.09.2018 (Annexure P-4) along with consequential benefits like arrears etc. along with interest @ 18% p.a..

Learned counsel for the petitioner, based on the pleadings in the petition, submits that the petitioner was initially appointed as S.S. Master on adhoc basis in the department of School Education on 02.03.1974 and his services were regularised w.e.f. 01.04.1977. The grievance of the petitioner *inter alia* as submitted in the petition is that while the petitioner officiated as Head Master/Principal during the various tenures mentioned,

he used to be paid pay and allowances to the lower post. He submits that accordingly the pension/retiral benefits have also been wrongly disbursed based on the last pay drawn (which was based on the pay and allowances admissible to the lower post).

Learned counsel for the petitioner has also placed reliance on certain judgments referred in para 6 of the petition. He then submits that for the same/similar grievance as made in the present petition, the petitioner had got served a legal notice dated 31.12.2020 (Annexure P-5), but the same has not been replied or decided till date.

Notice of motion.

On asking of the Court, Ms. Anju Arora, Additional AG, Punjab, accepts notice on behalf of the State.

Without commenting upon merits of the case, the present writ petition is disposed of with a direction to the Competent Authority to decide the Legal Notice (Annexure P-5) in accordance with law as expeditiously as possible, preferably within a period of three months from the date of receipt of certified copy of this order.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

24.02.2021
anju rani

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No