

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

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CWP-11895-2022

Date of decision: 08.09.2022

Ghanshyam Dass Gupta

... Petitioner

Vs.

The State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Ms. Ramandeep Kaur, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1 to 3.

None for respondent No.4.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition had been instituted for issuance of directions to the respondents to stop the old age pension of the petitioner w.e.f. 01.10.2020 as the petitioner has been granted the concession of pension by the Department i.e. Haryana State Minor Irrigation and Tubewells Corporation (hereinafter referred to as 'HSMITC') wherefrom the petitioner had superannuated being a Group B officer.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was appointed with the HSMITC on 01.09.1972. The aforesaid department was closed by the Govt. of Haryana and employees who worked till then, were retrenched. However, on account of a subsequent decision taken by the Government, the petitioner along with the similarly placed employees were merged

with the Irrigation Department on 15.06.2007. The petitioner retired on 30.06.2009. She contends that as there was no pension in the new department, hence the petitioner had applied for the old age pension from the Department of Social Welfare and such pension was approved from October, 2015 @ Rs.1200/- per month and was increased in the year 2020 to a sum of Rs.2500/- per month.

She further contends that thereafter, the HSMITC, on approval from the Government of Haryana, has decided to pay an Honorarium of Rs.16,000/- per month to the Group B employees vide order dated 03.03.2021 w.e.f. 01.10.2020. The petitioner, accordingly, submitted a letter to the Social Welfare Department, Panipat to stop his old age pension w.e.f. 01.10.2020 and also deposited the pension received by him for the intervening period i.e. from 01.10.2020 to 31.12.2020 along with interest with the Department of Social Welfare, Panipat on 21.01.2021. Despite the aforesaid letter written by him and the amount being deposited, the respondent authorities continue to credit the pension in his account. Subsequent reminders were also submitted. One of reminder was sent on 21.09.2021 and a legal notice was also sent to the respondent authorities on 03.01.2022 (Annexure P-4).

Learned counsel contends that she would be satisfied, in case, the respondent authorities are directed to consider the legal notice and pass an appropriate speaking order after granting an opportunity of hearing to the petitioner.

The aforesaid prayer of the petitioner is not objected by the counsel representing on behalf of the State of Haryana. Accordingly, the present writ petition is disposed of with a direction to respondent No.3-

District Social Welfare Officer, District Panipat to examine representation/legal notice dated 03.01.2022 (Annexure P-4) furnished by the petitioner and to pass an appropriate speaking order within a period of three months from the date of receipt of certified copy of this order after granting an opportunity of hearing to the petitioner.

Petition is, accordingly, disposed of.

08.09.2022
pooja saini

(VINOD S. BHARDWAJ)
JUDGE

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