

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 14798 of 2022 (O&M)

Date of Decision:14.07.2022

Sikander Singh and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Sanjeev Kumar Arora, Advocate
for the petitioners.

Ms. Ambika Bedi, AAG., Punjab.

LISA GILL, J(Oral).

Prayer in this writ petition is for a direction to the respondents to determine the basic pension of the petitioners as per para 5.1 (a) of the circular/order dated 29.10.2021, Annexure P-2, instead of determining it as per para 5.1 (b) thereof. It is further prayed that arrears along with interest at the rate of 12% per annum from the date they became entitled to the said basic pension (Rs. 37,050/-, Rs.34,900 and Rs.37050/-) till the date of its actual payment be released to the petitioners.

It is submitted that the petitioners were appointed as Clerks in the Department of Education, Punjab on 27.05.1975, 06.1.1975 and 15.01.1976 respectively, on adhoc basis. Thereafter, they were regularized w.e.f, 01.04.1977 and ultimately retired on 30.04.2010, 30.11.2008 and 30.06.2010 respectively before implementation of the recommendations of the 6th Punjab Pay Commission. It is submitted that basic pension of the petitioners is required to be fixed as per para 5.1 (a) as the same yields

higher amount than para 5.1 (b). Learned counsel submits that ground to calculate the pension in terms of 5.1 (b) is quite specious inasmuch as it is stated that same is being resorted to because it may take time to check the record of each pensioner to ascertain the total number of increments etc., earned. Such a ground, it is submitted should not be used to work to the detriment of the pensioners. Petitioners, it is stated approached the authorities various times, but no action is being taken by the authorities. Legal notice dated 11.04.2022, Annexure P-6, in this regard, is stated to have been served upon the respondents, but to no avail.

At this stage, learned counsel for the petitioners restricts the prayer for a decision on legal notice dated 11.04.2022 (Annexure P-6), in a time bound manner.

Notice of motion.

Ms. Ambika Bedi, AAG., Punjab, accepts notice on behalf of all the respondents. Advance copy of the writ petition stands served. Learned counsel for the State does not raise any serious objection to the restricted prayer addressed.

Keeping in view the limited prayer addressed, facts and circumstances of the case but without expressing any opinion on the merits thereof, this writ petition is disposed of with a direction to the competent authority, to decide legal notice dated 11.04.2022, Annexure P-6 filed by the petitioner by passing a speaking order, within four (04) months from the date of receipt of certified copy of this order.

14.07.2022

s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.