

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105)

CWP-21234-2020

Date of Decision : March 17, 2022

Mani Ram

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Verma, Advocate, for the petitioner.

Mr. Raman Kumar Sharma, Additional A.G., Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, though the petitioner has already attained the age of superannuation on 30.04.2020 but his retiral benefits are not being released by the respondents and that too without any valid justification.

Learned counsel for the respondents-State submits that in the present case, the petitioner had filed a writ petition being CWP No.12832 of 2012 claiming a technical pay scale, which benefit was allowed in his favour by this Court but on an appeal preferred by the State, being SLP No.4022 of 2020, the order granting the technical pay has already been stayed but before the interim order, in compliance of the direction given by this Court, the petitioner was already extended the concession of technical pay by the respondents-State. Learned counsel for the respondents-State

further submits that keeping in view the litigation with respect to the entitlement of the petitioner for the grant of normal pay or technical pay scale is pending consideration before the Hon'ble Supreme Court of India and computation of pensionary benefits, being dependent upon the last pay drawn, no final order could be passed on computation of the pensionary benefits of the petitioner.

At this stage, learned counsel for the petitioner submits that the petitioner is ready to give an undertaking before the respondents-Department that his pensionary benefits be calculated on the normal pay subject to the order to be passed by the Hon'ble Supreme Court of India and in case, the petitioner succeeds, his pensionary benefits be revised at that stage.

Learned counsel for the respondents-State submits that keeping in view the fact that the petitioner has already been paid in excess of Rs.26 lacs as of now and in case, the Department succeeds before the Hon'ble Supreme Court of India, no further payment would be liable to be paid even under the pensionary benefits, therefore, unless and until the petitioner refunds the amount of Rs.26 lacs already paid in excess, no pensionary benefits can be extended.

Keeping in view the dispute regarding the salary of the petitioner pending consideration before the Hon'ble Supreme Court of India and the present position of the respondents-State according to which, there is already an excess payment of Rs.26 lacs which is much more than the total retiral benefits which the petitioner shall be entitled for, no direction can be given to the respondents to release some of the retiral benefits.

Learned counsel for the petitioner submits that even if it is

assumed for the sake of arguments that some of the retiral benefits cannot be released on account of litigation, however, keeping in view the facts stated hereinbefore, the pension for which the petitioner is entitled for on monthly basis, cannot be stayed on the above said ground and the petitioner is ready if his pension is computed on the normal salary during the pendency of the proceedings before the Hon'ble Supreme Court of India.

Learned counsel for the respondents-State submits that the petitioner has been asked to come and sign the pension papers but he is not coming.

Learned counsel for the respondents-State at this stage submits that in case, the petitioner signs the pension paper which are required mandatorily for the release of the pension, appropriate action will be undertaken to compute the pension of the petitioner within a period of three months of the submission of the pension papers so as to release the pension.

Learned counsel for the petitioner submits that the petitioner will undertake the exercise to complete the formalities required for the release of the pension.

Keeping in view the above, no further orders are required to be passed and the present petition is disposed of in above terms.

March 17, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No