

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

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CWP No.24426 of 2022

Date of decision: 21.10.2022

Balbir Singh

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Manmeet Singh Teji, Advocate for the petitioner.

VIKAS SURI, J. (Oral)

The petitioner approached this Court with the grievance that his pension is not being correctly calculated as per notification dated 17.08.2009 (Annexure P-4), whereby the recommendations of 5th Pay Commission w.e.f. 01.01.2006 have been implemented. Even thereafter, on implementation of the recommendations of the 6th Pay Commission w.e.f. 01.01.2016, the error on account of the above is continuing and is causing recurring financial loss to the petitioner.

As such, a writ in the nature of mandamus seeking directions to the respondents is prayed for, to correctly revise and re-fix the pension of the petitioner w.e.f. 01.05.2006 and 01.01.2016 and the arrears of difference on account of revision of pension be paid to the petitioner along with 12% p.a. interest. The other prayer is for entering the name of the wife of the petitioner, i.e. Smt. Amarjit Kaur, as nominee in the Pension Payment Order.

Learned counsel for the petitioner submits that for the relief sought in the present petition, a representation by way of legal notice dated 12.04.2022 (Annexure P-5) was made, which is still pending consideration with

the authorities.

Learned counsel, on instructions, submits that the petitioner restricts his prayer for decision of the claim made in the legal notice and further submits that the petitioner would be satisfied at this stage, if the said legal notice is decided by passing a speaking order in a time bound manner.

Reliance has also been placed on the law settled by the Full Bench judgment of this Court in ***A.S. Randhawa vs. State of Punjab and others, 1997 (3) SCT 468***, and other judgments following the said dictum.

Notice of motion only to respondent Nos.1 to 5 and 7 to the limited extent.

Ms. Ambika Bedi, AAG Punjab, accepts notice on behalf of the said respondents and waives service. She submits that the respondent No.3/Competent Authority will look into the matter and will take a decision on the legal notice of the petitioner in accordance with law, in a time bound manner.

Heard learned counsel for the parties.

Without expressing any opinion or going into the merits of the case or the claim being made by the petitioner in the present petition or in the legal notice, respondent No.3/Competent Authority is directed to consider and decide the claim made in the legal notice dated 12.04.2022 (Annexure P-5), as well as the claim for interest on delayed payment of arrears, in accordance with law, by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order.

Needless to observe that in case, after the decision, petitioner is found entitled for any benefits, the same be paid to him within a period of

six weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

October 21, 2022
vcgarg

Whether speaking/reasoned:	Yes
Whether reportable:	No