

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(228)

CWP No. 37830 of 2018
Date of Decision : 14.03.2022

Sohan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Arora, Advocate for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

Mr. Aditya Sharma, Advocate for respondent No. 4.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioner argues that in the present case, the qualifying service has been calculated less despite the fact that it is an admitted case that the petitioner was appointed on 24.08.1962 and retired on 29.02.1992 but still the qualifying service is being treated as 28 years and 10 months. Learned counsel for the petitioner further submits that even the basic pay of ₹1800/- which the petitioner was actually withdrawing in the year 1992, has been taken as ₹1720/- to calculate the pensionary benefits. Learned counsel submits that even in the reply, nothing has come as to why, these two discrepancies have occurred while calculating the pensionary benefits of the petitioner.

Learned counsel for the respondents have not been able to justify these discrepancies, which are *prima-facie*, in terms of facts of the case. Learned counsel for the respondents submits that *prima-facie*, there is some communication gap, which needs to be redressed and, therefore, in case the petitioner files an appropriate representation with the Deputy Director, Local Government, Patiala raising both the grievances, the same will be looked into and appropriate order will be passed thereon in consultation with the Municipal Council.

In order to verify as to under what circumstances, the qualifying service of the petitioner has been fixed as 28 months 10 months and why the benefit of basic pay, which the petitioner was withdrawing in the year 1992, has not been given while calculating pensionary benefits, it would be appropriate in case, the petitioner is directed to file a detailed representation giving the grievances to be decided by the Deputy Director, Local Government, Patiala.

Learned State counsel raises no objection for the same.

The petitioner submits that he has no objection in case, his detailed representation is decided in a time bound manner by passing an appropriate speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondents are directed to decide the representation to be filed by the petitioner by passing a speaking order within a period of eight weeks from the date of receipt of the representation. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall

also be released to him within a period of four weeks thereafter.

The Deputy Director, Local Government, Patiala will be free to associate the Municipal Council concerned in order to verify the facts so as to pass a correct order.

Petition stands disposed of in above terms.

March 14, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No