

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

**CWP No.16011 of 2021(O&M)
Date of Decision: 25.05.2023**

Som Nath Manocha

.....Petitioner

Vs

State of Haryana and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Animesh Sharma, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

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

RAJ MOHAN SINGH, J.(Oral)

[1]. The petitioner has approached this Court for the issuance of an appropriate writ, especially in the nature of certiorari, quashing the memo dated 04.08.2021 issued by the respondent No.5, vide which revised pension granted to the petitioner was unilaterally recommended to be withdrawn. Recommendations were made to the respondent No.4 in this regard.

[2]. Both the parties are *ad idem* that the issue involved in the present writ petition is covered by the ratio laid down in **CWP No.26015 of 2013** titled **K.L. Vasudeva and others Vs. State of Haryana and another** decided on 16.05.2023. The only difference is that in the aforesaid case, the petitioners sought quashing of impugned order, dismissing their claim for grant of revised pension as per pay structure, whereas in the present case, such relief was earlier granted to the petitioner and thereafter, it was sought to be withdrawn. In **K.L. Vasudeva and others case (supra)**, the petitioners therein were held entitled to revised/modified pension in corresponding scale of Rs.37400-67000/-+8700/- G.P. w.e.f. 18.10.2011. The petitioners in the said writ petition were held entitled for all consequential benefits arising from the aforesaid fixation along with interest @ 6% per annum from due date till final realisation of the amount and the consequential benefits were ordered to be implemented within a period of two months from the date of receipt of certified copy of that order.

[3]. In the present case, the aforesaid benefit had already been granted to the petitioner vide pension payment order dated 18.01.2021 and by the impugned action, the same benefit is recommended to be withdrawn by the respondent No.5 and the pension of the petitioner has been unilaterally reduced from a sum of Rs.54,762/- to Rs.47,507/-.

[4]. In view of decision rendered in **K.L. Vasudeva and others (supra)**, the pension is rightly modified in the corresponding pay scale of Rs.37400-67000/-+Rs.8700/- GP w.e.f. 18.10.2011 and order of withdrawal of such benefit is held to be illegal. This writ petition is accordingly allowed. The impugned action is hereby quashed and the fixation of modified/revised pension of the petitioner in the corresponding pay scale of Rs.37400-67000/-+Rs.8700/- GP w.e.f. 18.10.2011 is hereby restored with all consequential benefits including arrears of shortfall in the pension, which would be released in favour of the petitioner within a period of two months along with interest @ 6% per annum from the date of reduction till actual realisation of the amount from the date of receipt of certified copy of this order.

25.05.2023

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No