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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16597-2023 (O&M)

Date of Decision: 20.09.2023

SUKHMANDER SINGH AND OTHERS

.....Petitioners

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present Mr. Sunny Singla, Advocate,
for the petitioners.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J (Oral)

1. The petitioners by way of this Writ Petition have prayed for issuance of direction to the respondents to release their arrears of pension w.e.f. 01.01.2016 to 30.06.2021 as the State Government has already notified a notification dated 05.07.2021 to implement the Punjab Civil Services (Revised Rules), 2021 with effect from 01.01.2016 and the said notification has also been directed to be implemented vide another notification dated 20.09.2021 to all the pensioners.

2. The Department of Finance (Finance Pension Policy and Coordination Branch), Punjab issued a Policy decision circulated vide circular dated 29.10.2021 whereby it laid down the procedure for release of amount in respect of benefits to pre 01.01.2016 pensioners and directed to make immediate payment in cash to the retirees w.e.f. 01.07.2021. It also mentioned that decision about payment of arrears of pension w.e.f. 01.01.2016 to 30.06.2021 shall be taken in due course of time.

3. Learned counsel for the petitioners submits that almost 2 years have elapsed and still no decision has come forward on behalf of the respondents and therefore, this Court ought to issue directions to the respondents in this regard. He relies on an order passed by the coordinate bench of this Court in CWP No.12980 of 2015 decided on 25.07.2016, titled as **Mohinder Singh** Vs. **State of Punjab** as well as another judgment rendered in the case of **Parshotam Dass** Vs. **State of Punjab and Others**, 2016 (2) SCT 207.

4. I have considered the submissions of learned counsel for the petitioners and find that the Finance Department of the Government of Punjab has issued a Finance Pension Policy for implementation of the recommendations of 6th Pay Commission, a revision of pension of pre 01.01.2016 pensioners/family pensioners/and recipients of the extraordinary pension etc. circulated vide circular dated 29.10.2021.

5. While it has laid down the criteria as to how the Old Pension Scheme shall be consolidated with the present pension scheme and the 6th Pay Commission recommendations, it consciously took a decision to pay the cash arrears of enhanced pension/family pension from 01.07.2021. It is also noticed that the said enhanced pension amount has been released on 01.07.2021 in March 2022 and arrears from 01.07.2021 have also been paid to the concerned pensioners. The issue with regard to the arrears for the period from 01.01.2016 to 30.06.2021 is still pending for decision.

6. While this Court is firm that the pensioners ought to be provided their dues in time, the State Government, considering its financial limitations, can take a decision to pay the arrears according to its financial

requirements and position. However, this Court is also of the firm view that the State Government ought not to sit over its decision for a long time in the matter.

7. While making the aforesaid observations, this Court is of the view that a writ of mandamus cannot be issued in this case to direct respondents to take a positive decision with regard to payment of arrears of pension, but decision one way or the other can of course be taken by the respondents for which the petitioners may submit a joint representation to the authorities who will take a decision within a period of 3 months from the date of submission of the said representation.

8. If a decision is taken by the respondents to release the arrears, the mode and method of payment shall also be mentioned as this Court finds that the petitioners are all aged persons who have retired prior to 01.01.2016.

9. The Writ Petition is disposed of in the aforesaid terms.

10. All pending applications in this Writ Petition shall stand disposed of accordingly.

September 20, 2023

Ess Kay

**[SANJEEV PRAKASH SHARMA]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes/No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>