

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18702 of 2015 (O&M)

Date of decision: 24.02.2023

Nachhattar Kaur and another

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anish Batra, Advocate
for the petitioners.

Mr. D.K.Singal, Addl.A.G., Punjab

ANIL KSHETARPAL, J(Oral)

1. On 30.01.2023, the following order was passed:-

“In deference to the order dated 18.01.2023, a short reply by way of an additional affidavit of the Additional Director, Department of Technical Education and Industrial Training Punjab, on behalf of respondent no.1 and 2, has been filed. Paragraphs 3 to 5 of the said affidavit reads as under:-

“3. That the respondent department has already ordered to cover the case of both the petitioners in Old Pension Scheme from the date of their regularisation i.e 09.12.2004 and has already issued them GPF No. as well vide Director, Technical Education & Industrial Training, Punjab, Chandigarh order dated 06.12.2016. That in case of petitioner no.1 this fact has been again reiterated vide Director Technical Education & Industrial Training, Punjab, Chandigarh order no. 1718 dated 29.08.2021. That petitioner No.2 is still in service of the Respondent Department.

4. That the Principal, Govt. Industrial Training Institute, Muktsar has taken up Old pension scheme case of petitioner no.1 with the Accountant General, Punjab vide their letter no.94 dated 01.06.2021, 235 dated 29.09.2021, 348 dated 29.11.2021 and 153 dated 05.08.2022 but on it the Accountant General Punjab has been putting objections in the past.

*5. That in compliance of the Hon'ble High Court interim order dated 18.01.2023, again pension case has been sent to the Accountant General, Punjab vide letter dated 29.01.2023, while referring to the orders dated 06.12.2016 and order dated 29.08.2021 of the respondent department.”
Learned State counsel prays for more time to get further instructions.
Adjourned to 13.02.2023.
To be listed in the urgent list.”*

2. Thereafter, the case was taken up on 13.02.2023 and the following order was passed:-

*“In deference to the order dated 30.01.2023, a short reply by way of an additional affidavit dated 12.02.2023, of the Additional Director, Department of Technical Education and Industrial Training, Punjab, on behalf of respondent no.1 and 2, has been filed in Court today with a copy to the learned counsel representing the petitioners, who prays for time to study the same before assisting the Court.
Adjourned to 24.02.2023.
To be listed in the urgent list.”*

3. During the course of hearing, a short reply by way of additional affidavit of the Additional Director, Department of Technical Education and Industrial Training Punjab, has been filed in the Court today.

4. It has been brought to the notice of the court that the Finance Department is expected to give concurrence within a day or two and thereafter, the matter shall be forwarded to the Accountant General for release of the pension as per the Old Pension Scheme.

5. Keeping in view the aforesaid facts and discussion, the writ petition is disposed of with a direction to complete the formalities particularly when the Government has already taken a conscious decision to release the pension to the petitioner under the Old Pension Scheme within a period of two months, from today, positively.

6. The petitioner shall have the liberty to file an application for

revival, if the necessary decision and consequential payments are not released within the aforesaid period.

7. All the pending miscellaneous applications, if any, are also disposed of.

February 24, 2023
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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>