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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26721-2015 (O&M)
Date of Decision: 09.03.2023

Suram Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.K. Rattan, Advocate, for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab,
for respondent Nos. 1 and 2.

Mr. Parminder Singh, Advocate for
Mr. Vivek Chauhan, Advocate,
for respondent Nos. 3 and 4.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *Certiorari* for quashing of impugned order dated 01.04.2015 (Annexure P-3) passed by respondent No.2 rejecting the pension case of the petitioner.

Learned counsel for the petitioner has submitted that it is a case where the petitioner was appointed as Panchayat Secretary on 12.07.1978 and was further promoted as Panchayat Officer in the year 2012 and thereafter he had retired as Panchayat Officer from Panchayat Samiti, Mukerian, District Hoshiarpur on 31.01.2013 on attaining the age of

superannuation. He submitted that at that point of time an option was required to be exercised in view of Punjab Panchayat Samitis & Zila Parishads Employees Pension & Provident Rules, 2000 which were applicable w.e.f 01.07.1999 and the petitioner had validly exercised the option for grant of pension. However, vide impugned order Annexure P-3 the case of the petitioner for grant of pension was rejected on the ground that he did not exercise the option and it was not duly verified and therefore the prayer of the petitioner for grant of pension instead of CPF was not accepted by way of impugned order. He submitted that later on now vide Annexure P-15 and P-16 it was so decided during the pendency of the present petition by the competent authority in the year 2021 that the pension case of the petitioner is accepted and it was found to be correct. He submitted that it was not the mistake of the petitioner at that time when the Rules were made in the year 2000 because of which the pension was not granted but rather it was negligence of the respondents for not properly verifying the option exercised by the petitioner which has now been rectified by the State itself in view of Annexure P-15 during the pendency of the present petition. He submitted that after the rectification of the mistake by the State, they have now fixed the pension of the petitioner and also paid arrears of the entire pension to the petitioner after adjusting the CPF amount. Learned counsel referred a judgment of this Court in CWP No.4374 of 2016, decided on 19.01.2023 wherein in identical situation during the pendency of that case as well, the option exercised by that petitioner was also verified and pension was granted to him and the petition was partly allowed alongwith interest @ 6% per annum and cost was also imposed. He

submitted that the present case is squarely covered by the aforesaid judgment and the facts and circumstances are also identical. He submitted in this case as well, the petitioner was constrained to file two writ petitions and one COCP before this Court and that was the reason as to why in that case as well cost was imposed upon the State. He submitted that now the petitioner may be considered for the grant of interest @ 6% per annum and also for the payment of costs in the same terms as that of CWP No.4374 of 2016.

Ms. Akshita Chauhan, learned DAG, Punjab has submitted that it is correct that now the petitioner has been granted pension after duly verification of the option exercised by the petitioner which was found to be correct and now the pension of the petitioner has been fixed and arrears of pension have been granted. So far as the aforesaid judgment in CWP No.4374 of 2016 is concerned, she submitted that the facts of that case are identical with the present case as well.

I have heard the learned counsel for the parties.

The prayer of the petitioner was for grant of pension in view of the valid option exercised by him in pursuance of Punjab Panchayat Samitis & Zila Parishads Employees Pension & Provident Rules, 2000. During the pendency of the present petition vide Annexure P-15 and P-16 the pension of the petitioner has been sanctioned after duly verification of the option exercised by the petitioner and arrears of pension have been given to him. The similar kind of issue also came up for hearing before this Court in CWP No.4374 of 2016 in which this Court had passed a detailed order and has also granted interest @ 6% per annum alongwith cost. The

facts and circumstances of the present case are similar with that of the aforesaid writ petition and therefore the petitioner is entitled for the grant of interest @ 6% per annum on pension and other pensionary benefits.

In view of the above, the present petition is partly allowed. The respondents shall pay interest @ 6% per annum on the pension and pensionary benefits from the date of its accrual till the date of its disbursement. The aforesaid interest amount shall be paid to the petitioner within a period of three months from today. In the present case as well, according to the learned counsel for the petitioner, he was constrained to have three rounds of litigation by filing two writ petitions and one COCP before this Court and therefore in this case as well, the petitioner is entitled for cost of Rs. 25,000/-. The aforesaid cost shall also be paid by the respondents to the petitioner within the aforesaid period of three months.

09.03.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No