

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

1277

Ramesh Chander

CWP-23943 of 2017 (O&M)

Date of Decision: 10.03.2023

....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Balraj Singh Rathee, Advocate, for the petitioner.

Ms. Gehna Vaishnavi, Advocate, for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing of the impugned order dated 11.11.2016 (Annexure P-10) and order dated 28.02.2017/02.03.2017 (Annexure P-11) whereby the prayer of the petitioner for stepping up/revision of his pension @ 50% with effect from 01.01.2006 onwards of the minimum pay in the pay band plus grade pay corresponding to the pre-revised pay scale from which he had retired has been declined.

At the outset, both the learned counsels for the parties have submitted that the Government has already taken a decision for giving the aforesaid benefits with effect from 01.01.2006 to the petitioner.

Learned counsel for the respondent-Union of India has also handed over a letter dated 10.02.2023 which has been issued by the Legal Cell in which it is stated that the case of the petitioner is squarely covered under the

Ministry of Personnel, PG & Pensions (Department of Pension & Pensioners Welfare) dated 14.06.2022. The aforesaid letter dated 10.02.2023 is taken on record as Mark-X and the same is reproduced as under:-

“Court matter/
Time Bound

R Chander/Rec-Legal/1093/2023/9th

Dated: 10 Feb 2023

PEN/NE, RECORD BRANCH (LEGAL CELL)

CWP No.23943 OF 2017 FILED BY RAMESH CHANDER VS
UOI AND OTHERS BEFORE THE HON'BLE HIGH COURT OF
PUNJAB AND HARYANA AT CHANDIGARH

1. Ref your ION No.I.11018/1298/Law-2023/2511 dated 09 Feb 2023.
2. Please amend to read “disposal” instead of “withdrawal” at para 2 of our ION No. R Chander/Pen/NE, Rec Br-Legal/1093/2023/952 dated 31 Jan 2023.
3. It is intimated that the case of the petitioner is squarely covered under the Ministry of Personnel, PG & Pensions (Department of Pension & Pensioners Welfare) Office Memorandum No.38/46/2017-P&PW(A)(4879) dated 14 Jun 2022. A copy of the ibid OM has been handed over to the Pension Revision Cell for implementation. All affected pensioners who have been granted pension under Rule 40 and 41 of CCS (Pension) Rules, 1972 are being identified and their pension will be revised in due course.
4. Fwd for your further needful action please.

(Kanakaraj KV)
Lt. Col
OIC Legal Cell

Law Branch

Copy to:-

Pension Revision Cell -

A copy of Ministry of Personnel, PG & Pensions (Department of Pension & Pensioners Welfare) OM No.38/46/2017-P&PW(A)(4879) dated 14 Jun 2022 is fwd herewith for your further necessary action please.”

Both the learned counsel for the parties are *ad idem* that the petitioner is entitled for the grant of revision of pension @ 50% with effect from 01.01.2006 in view of the aforesaid letter.

In view of the above, the present petition is allowed and the respondents are directed to calculate and release the revised pension to the petitioner in the light of the aforesaid letter as reproduced above and pay the arrears to the petitioner alongwith interest within a period of four months from today.

(JASGURPREET SINGH PURI)
JUDGE

March 10, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No