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

CWP No.2958 of 2017 (O&M)

Date of Decision: 15.03.2023

SAT PARKASH ARORA

.....Petitioner

Vs

KURUKSHETRA UNIVERSITY KURUKSHETRA AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Shayam Singh Chhokar, Advocate
for the petitioner.

Mr. Amarjit Singh Virk, Advocate
for the respondents No.1 and 2.

Mr. Tapan Kumar Yadav, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

[1]. The petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of mandamus directing the respondents to revise the pension and pensionary benefits of the petitioner as per last pay drawn as Deputy Registrar at the time of his retirement and further to revise the pension as per memorandum dated 06.02.2015.

[2]. Learned counsel for the petitioner submits that the pension of the petitioner has not been revised w.e.f. 01.01.2006 by the respondent-State and consequently the respondent-University could not implement the same.

[3]. The reason for not revising the pension of the petitioner appears to be that there is no corresponding revised pay scale provided to the corresponding pre-revised pay scale of 12000-18300. The aforesaid discrepancy is on account of inaction on the part of the respondent-State by not providing scale of 12000-18300 in the pay scale which is to be revised w.e.f. 01.01.2006. Evidently, perusal of revised pay scales of Librarians in the Universities and Colleges from 01.01.1996 would show that the then existing pay scale of Assistant Librarian (Selection Grade) was 3700-125-4950-150-5700 and the same was revised to 12000-420-18300. The aforesaid pay scale was to be revised from 01.01.2006.

[4]. Perusal of Revised Pension/Family Pension Of Pre-2006 Pensioners For Posts Carrying Present Scale In Group A, B, C and D issued by the Under Secretary, Finance (Pension) on behalf of the Principal Secretary to Government of Haryana, Finance Department would indicate that there is no pay scale prescribed in the scale of 12000-18300 which is to be further revised w.e.f. 01.01.2006. The pay scale appearing at Sr. No.24 w.e.f. 01.01.1996 is 12000-375-16500, which on revision would come out to be 15600-39100 along with other configurations attached thereto. Non-availability of pay scale of Rs.12000-18300 as on 01.01.2006 would result in great hardship to the petitioner as corresponding revised pay scale is to be provided

to the petitioner for the purposes of paying revised pension thereon.

[5]. On 14.07.2022, following order was passed by the Co-ordinate Bench of this Court:-

“Learned counsel for the petitioner argues that the pension of the petitioner has not been revised w.e.f. 01.01.2006 by the respondents on the ground that no corresponding revised pay scale was provided to be given to the pre revised pay scale of Rs.12000-18300.

Learned counsel submits that keeping in view the said discrepancy, which occurred due to inaction on the part of the State, petitioner is suffering prejudice for the last 16 years, so as to get revised pension.

Learned counsel appearing on behalf of the respondent-University submits that the university is not capable of revising the pay scale hence, University has been writing to the government to pass appropriate orders to revise the pay scale of Rs.12000-18300, so that the grievance of the employees like the petitioner, who were working in pre revised pay scale of Rs.12000-18300, could be redressed but despite various communications, the State has not responded back so far, due to which the petitioner could not be granted the said relief.

Learned State counsel seeks one last opportunity to inform this Court as to why no decision has been taken in respect of the various communications sent by the university to provide the revised pay scale to the unrevised pay scale of Rs.12000-18300, so that the prayer of the petitioner could be adjudicated.

It is made clear that no further opportunity will be

granted for the said purpose as the petitioner is already waiting for 16 years so as to get the revised pension. In case, no decision is taken by the government upto the adjourned date, a serious view of the situation will be taken by this Court including imposing exemplary costs.

Learned State counsel seeks 4 weeks' time to do the needful.

Adjourned to 24.08.2022.

(HARSIMRAN SINGH SETHI)
JUDGE

14.07.2022
Maninder”

[6]. Keeping in view the seriousness of the issue, particularly in view of the fact that the petitioner is waiting for the last more than 16 years for the implementation of revised pay scale, therefore, the seriousness of the issue has to be readdressed by the respondent-State for which four weeks' time was given to them on 14.07.2021, failing which exemplary cost(s) was proposed to be imposed. Even thereafter, the learned State counsel sought another opportunity on 24.08.2022 and last opportunity was granted to learned State counsel to comply with the order dated 14.07.2022.

[7]. Today also, the position is same and the learned State counsel is not in a position to spell out anything from the existing record and instructions from Nitish Kaushal, Legal Assistant from Directorate of Higher Education, Haryana. No information has been furnished, whether pay scale of Rs.12000-

18300 has been revised as on 01.01.2006, which is to be revised further for the purposes of granting pension to the petitioner. Inaction on the part of the respondent-State is highly deprecated. The petitioner is waiting for the revision of his pay for the last more than 16 years.

[8]. Virtually this case has gone uncontested on behalf of the respondent-State. The respondent-University is to implement the ultimate order/instructions of the respondent-State while implementing the revised pay scale of the petitioner for the purpose of granting him the required pension.

[9]. For the reasons recorded hereinabove, this writ petition is allowed with cost(s) of Rs.5 lakhs to be paid by the respondent-State to the petitioner for the harassment meted out to him for this long period of more than 16 years. The respondent-State is directed to take all corrective measures/steps to provide the corresponding revised pay scale to the petitioner w.e.f. 01.01.2006 for the purpose of refixation of pension within a period of three months from the date of receipt of certified copy of this order. The petitioner shall be entitled to interest @ 6% per annum on the arrears of revised pension from the date of its accrual till final realization of the same.

(RAJ MOHAN SINGH)
JUDGE

March 15, 2023

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No