

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-21954-2022

Date of decision : 01.12.2023

Mukat Ram

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Mr.Surinder Kumar Daaria, Advocate
for the petitioner.

Mr.Naveen Singh Panwar, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of Clause no.vii of the notification no.2/23/2016-I Pension dated 10.01.2018 (Annexure P-1) and for quashing impugned order dated 22.08.2022 (Annexure P-4) passed by the respondents in which the benefit of revised pension has been declined to the petitioner.

2. Learned State counsel has filed a written statement which is taken on record and has submitted that as per the written statement, both the said prayers of the petitioner have been met and Clause no.vii of the notification has been revised and the petitioner has been granted benefit of revised pension and thus, the present petition has been rendered infructuous.

3. Learned counsel for the petitioner has submitted that substantial relief has been granted to the petitioner and thus the present

petition be disposed as having been rendered infructuous but liberty be

granted to the petitioner to move a representation to the authorities with respect to any remaining grievance. It is further prayed that in case such a representation is made, then the respondent authority be directed to consider the same in a time bound manner and if after considering the same, in case, the plea raised by the petitioner is found to be meritorious, then necessary relief be granted to the petitioner.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of as having been rendered infructuous. Liberty is granted to the petitioner to move a representation to the competent authority of the respondent in case the petitioner has any other grievance left and the competent authority of the respondent is directed to consider and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of 2 months from the date of receipt of the said representation and in case, after considering the same, the plea of the petitioner is found to be meritorious, then necessary relief be granted to the petitioner and in case, the plea of the petitioner is not found to be meritorious, then a speaking order rejecting the same be passed within a period of 2 months from the date of receipt of the said representation.

5. It is made clear that this Court has not opined on the merits of the case and the competent authority of the respondent would consider and decide the representation independently, in accordance with law.

(VIKAS BAHL)
JUDGE

December 01, 2023.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No