

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18552-2023
Date of decision: 29.08.2023

Vir Chand Puri and othersPetitioners
V/s
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Nitesh Singla, Advocate
for the petitioners.

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondent department to release the arrears of revised pension/family pension to the petitioners on account of implementation of 6th Punjab Pay Commission along with interest @ 12% per annum.

Learned counsel for the petitioners contends that petitioners are retired employees of respondent No.4/Municipal Corporation, Ludhiana from various posts and getting pension as per instructions issued by the Department of Finance, Punjab. He submits that vide letter dated 29.10.2021 (Annexure P-3) Department of Finance implemented the recommendation of Sixth Punjab Pay Commission regarding pension and other retirement benefits of employees, who have retired before 01.01.2016. Learned counsel further submits that vide letter dated 09.11.2021 (Annexure P-4) Department of Finance announced the Dearness Allowances to the pensioners of Punjab from the period 01.01.2016 to 01.07.2019 and the Dearness Allowance was revised to 38% vide various letters

issued by Department of Finance but the arrears of Dearness Allowances were not

released to the petitioners till date. He further submits that petitioners are entitled for interest on delayed payment of pension @8% per annum including arrears of the period w.e.f. 01.01.2016 upto 30.06.2021 including the revision of pension by taking into factors of DA @119% instead of 113% w.e.f. 01.01.2016. Learned counsel again submits that petitioners have served a legal notice dated 02.02.2023 (Annexure P-6) to respondents, which has not been taken into consideration till date and the petitioners would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 to 3 and Mr. Manbir Singh Batth, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.4 and they do not object to the prayer made by learned counsel for the petitioners.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioners in the legal notice dated 02.02.2023 (Annexure P-6), respondent No.4 is directed to decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioners are found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to them within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

29.08.2023
Sapna