

201

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

CWP-25645-2019

Date of Decision: 02.02.2023

Harjinder Singh

..... Petitioner

Versus

Punjab State Power Corporation Limited and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Rangi, Advocate with
Mr. Khushkaran K. Goyal, Advocate,
for the petitioner.

Ms. Abhilaksh Grover, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of certiorari for quashing the impugned official noting supplied through forwarding letter dated 16.01.2019 (Annexure P-6) vide which the respondents have reduced the monthly basic pension of the petitioner from Rs.3,500/- to Rs.2,815/- w.e.f. 01.04.2018 without passing or conveying any order to this effect to the petitioner with a further prayer to issue directions upon the respondents to restore the original monthly basic pension of Rs.3,500/- w.e.f. 01.04.2018 and also to release the arrears along with interest @18% per annum.

Learned counsel for the petitioner submitted that the short point

involved in the present case is that the petitioner was earlier working in the Indian Army from the year 1962 to the year 1983 and thereafter, he joined the respondent-PSPCL on 20.07.1987 and was superannuated on 31.07.2000 from the respondent-Corporation. He further submitted that the basic pension of the petitioner was revised to Rs.3,500/- w.e.f. 01.01.2006 as per the recommendation of the 5th Pay Commission which was a minimum basic pension and he continued to draw the pension till 31.03.2018 from the Army. However, the pension of the petitioner was reduced from Rs.3,500/- to Rs.2,815/- w.e.f. 01.04.2018. He also submitted that Annexure P-6 is the reasoning which has been given by the Audit Department but the petitioner is aggrieved by the action of the respondents whereby neither any order has been passed for reduction of his pension nor the respondents are entitled to recover any amount in view of the law laid down by the Hon'ble Supreme Court in “*State of Punjab and others Vs. Rafiq Masih*”, 2015(4) SCC 334. He further submitted that at this stage he confines the scope of his prayer to the extent that respondent No.2 be directed to consider the claim of the petitioner and pass a fresh order with regard to the grievance of the petitioner and till that time, recovery may not be effected from him.

Mr. Abhilaksh Grover, Advocate appearing on behalf of the respondents stated that he has no objection in case the claim of the petitioner is considered afresh by respondent No.2 and the petition may be disposed of accordingly.

I have heard the learned counsel for the parties.

In view of the limited prayer made by the learned counsel for

the petitioner that his pension could not have been reduced and recovery could not have been made from him and no order of reduction of pension has been passed till date, it will be in the interest of justice to direct respondent No.2 to take a fresh look in the entire matter and to pass a well-reasoned speaking order strictly in accordance with law by considering the fact as to whether the pension of the petitioner has been rightly reduced or not and also as to whether an amount which has already been given to the petitioner can be recovered strictly in the light of law laid down by the Hon'ble Supreme Court in *State of Punjab and others Vs. Rafiq Masih's case (supra)*.

Needless to say that it shall be incumbent upon the respondent No.2 to give an opportunity of personal hearing to the petitioner before passing the order.

The petitioner shall also be at liberty to file any other request/representation along with any requisite document which he deems fit to respondent No.2.

The aforesaid order shall be passed by respondent No.2 within a period of 6 weeks from today. Till the time the order is passed, no recovery shall be effected from the petitioner.

02.02.2023

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |