

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-20649-2023

Date of decision: 18.09.2023

RAM LAL AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- None.

VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present petition is for directing the respondents to release the consequential arrears from 01.01.2016 to 30.06.2021 to the petitioners on account of refixation/revision of their pensionary/retiral benefits in terms of Notification No.3/1/2021-3FPPC/281 dated 29.10.2021 (Annexure P-3) and Notification No. 3/1/2021-3 FPPC/276 dated 29.10.2021 (Annexure P-4) pertaining to the pre as well as post 01.01.2016 retirees. A further consequential revision of pay in terms of the notification dated 05.07.2021 in a time bound manner has also been prayed for.

It is averred in the present petition that the petitioners served the respondent-department on various posts and superannuated between the period ranging from 01.01.2016 to 30.06.2021. On their superannuation/retirements, the petitioners were entitled for various retiral/pensionary benefits under the Punjab Civil Services Rules. The petitioners were granted the said benefits.

The Government of Punjab, Department of Finance issued notification dated 05.07.2021 promulgating Punjab Civil Services (Revised Pay) Rules, 2021 whereby the pay scales of the employees were revised w.e.f. 01.01.2016 on the recommendation of the 6th Punjab Pay Commission. However, the notification with respect to the post 01.01.2016 Retirees was issued separately by the Department of Finance with regard to revision of their retiral/pensionary benefits.

It is averred that pay of the retiree petitioners has been revised/refixed w.e.f. 01.01.2016 and even the cases of the petitioners for sanction of revised pensionary benefits like Pension and DCRG had forwarded to the Accountant General, Punjab on the basis of revision of their pay w.e.f. 01.01.2016. The same have also been sanctioned w.e.f. 01.07.2021. However, the revised/enhanced amount of leave encashment on account of revision of their pay/retiral benefits in terms of the notification dated 05.07.2021 have not been released to the eligible petitioners so far by the Administrative Department/DDO. Additionally, all the petitioners have not been disbursed the arrears of their pay/pension from 01.01.2016 till 30.06.2021. The petitioners waited for sufficient time so that the admissible dues could be released to the petitioners, however, the same having not been done, the representative body of the employees/Pensioners in the State of Punjab submitted a memorandum to the Finance Minister, Punjab for extension of the said benefits.

Reference is also made to the judgment passed by the High Court of Himachal Pradesh in **CWP-7359-2021** titled as **“Anita Gupta**

versus State of Himachal Pradesh and others” wherein it was held that the retirees are entitled to revise the leave encashment and that the denial thereof cannot be countenanced.

Be that as it may, the claim relates to disbursement of the revised emoluments. A representation on behalf of the Federation of the Retire Employees have already been submitted.

Without commenting on the merits of the case, the present petition is disposed of with a direction to the respondent-Principal Secretary, Department of Education, Punjab shall consider the present writ petition as a representation and shall pass a speaking order on the same, after granting an opportunity of hearing to the interested petitioners expeditiously and preferably within a period of 04 months of receipt of certified copy of this order.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 18, 2023

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No