

CWP- 19334-2023 (O&M)

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

CWP- 19334-2023 (O&M)

Date of Decision:10.10.2023

Pawan Kumar

... Petitioner

V/s.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Amit Sharma (Kanav), Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

Present writ petition has been filed under Article 226/227 of the Constitution of India by the petitioner for directing the respondents to pay interest on the delayed payment of arrears of pay of Rs. 1,34,508/- and on differential amount of leave encashment of Rs. 3,14,461/- accrued on the account of refixation of pay w.e.f. 01.01.2016 on account of implementing 6th Pay Commission recommendations @ 18% p.a. From the date of its accrual till its actual realization with further prayer of issuing directions to respondents to pay border allowance of 5% of the basic pay for serving in the border area.

The brief facts of the case are that the petitioner joined the service with respondent No. 3 as Junior Engineer in 1988 and during the course of his service the petitioner was transferred from Sri Muktsar Sahib to Fazilka vide order dated 29.12.2016. Further, the Govt. of Punjab notified a special rent free accommodation on revised rate applicable to employees serving in the belt of 16 k.m. from the international border inasmuch as 5% of the basic pay in addition to normal House Rent Allowance and the same was made admissible vide notification dated 19.09.1990. The said notification was also adopted by respondent-Markfed in 2003. The petitioner being entitled for the said allowance moved various representations for the same but before any action could be taken on them, he retired as Assistant Engineer (Civil) on 31.12.2021 and no allowance of additional 5% of the basic pay has been granted to him. On implementation of 6th Pay Commission recommendations, the petitioner was paid arrears of revised pay from 01.07.2021 to 31.12.2021 i.e. Rs.1,34,508/- and differential amount of leave encashment i.e. Rs.3,14,461/- on revision of pay, however, no interest has been paid on account of delay of 10 months.

Learned counsel for the petitioner submits that the petitioner being aggrieved, submitted a detailed representation dated 04.05.2023 (Annexure P-6), but the same is still pending consideration with respondents and the petitioner will be satisfied at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, who is present in Court, has put in appearance on behalf of respondent Nos. 1 and 2 and submits that the competent authority to deciding the said representation is respondent No. 3.

I have heard learned counsel for the parties and have gone through the record of the case.

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 petitioner in the representation dated 04.05.2023 (Annexure P-6), respondent No. 3 is directed to decide the representation by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the legal notice and if there is no legal impediment involved, necessary disbursement of funds shall be made to them within a period of eight weeks thereafter.

Petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

10.10.2023

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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No