

110 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-19978-2023  
Date of decision: 12.09.2023

Nishan Singh and another .....Petitioners  
V/s  
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr.Ashish Goklaney, Advocate  
for the petitioners.  
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DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to grant the difference of arrears of salary and difference of arrears of pensionary benefits w.e.f. 01.01.2016 in view of the recommendations of 6<sup>th</sup> Pay Commission along with interest @ 12% from the date when it became due till its realization.

Learned counsel for the petitioners contends that the petitioners were working as Fitter and Helper Electrician respectively and petitioner No.1 retired on 31.03.2018 and petitioner No. 2 on 31.11.2018 from service on attaining the age of superannuation from the Municipal Council, Ferozepur. The Government implemented the 6<sup>th</sup> Punjab Pay Commission w.e.f. 01.01.2016 and since, the pensionary benefits have been released to the petitioners in unrevised pay scale, as such the petitioners are entitled for the release of difference in the revised pay scale w.e.f. 01.01.2016 and the petitioners are also entitled for release of interest

date when it became due, till its realization. Learned counsel submits that petitioners have served a legal notice dated 10.05.2023 (Annexure P-1) 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. Sanjeev Soni, 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 10.05.2023(Annexure P-1), 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

12.09.2023  
*Sapna*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |