

112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25276-2023
Date of decision: 06.12.2023

Jit Singh 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 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 respondent-Department to grant Dearness Allowance @ 125% w.e.f. 01.01.2016 instead of 01.11.2016 granted vide letter dated 21.10.2016 (Annexure P-6) @ 132% w.e.f. 01.07.2016 instead of 01.01.2017 vide letter dated 21.12.2016 (Annexure P-7) @ 136% w.e.f. 01.01.2017 and 139% w.e.f. 01.07.2017 instead of 01.02.2019 granted vide letter dated 28.03.2019 (Annexure P-8) @ 142% w.e.f. 01.01.2018 instead of 01.11.2019 granted vide letter dated 21.10.2019 (Annexure P-9) @ 148% w.e.f. 01.07.2018 instead of 01.03.2020 granted vide letter dated 03.03.2020 (Annexure P-10) @ 154% w.e.f. 01.01.2019 on the basis of All India Consumer Price Index (AICPI) and Government of India pattern, along with arrear and interest @ 12% per annum from the due date till its actual payment.

Learned counsel for the petitioners contends that the petitioners being retirees of Local Department, Punjab Govt. are getting pension under Old

Pension Scheme as embodied in the Punjab Civil Services Rules, Volume II from

the respondent-Department. Throughout their service career and after retirement also, petitioners are getting pension with installments of Dearness Allowance on the basis of All India Consumer Price Index as decided by the Central Govt and as per instructions issued by the Department of Finance, Punjab to all the Departments of Punjab. Learned counsel further contends that the petitioners have been deprived of the due payment of Dearness Allowance from the due date at par with Central Government Employees as the respondents have made the payment of certain installments of Dearness Allowance vide different letters from subsequent dates than the installments in question and thereby debarring them from the arrears of the Dearness Allowance from the actual date. The petitioners are claiming the release of Dearness Allowance at par with Central Govt. Employees from the due dates of its release from time to time alongwith arrears and interest on delayed payment. Learned counsel submits that petitioners have served a legal notice dated 11.07.2023 (Annexure P-12) to the 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.

Mr. Arun Gupta, AAG Punjab, accepts notice on behalf of respondents No. 1 to 4 and Mr. Sanjeev Soni, Advocate accepts notice on behalf of respondent No.5.

Vide order dated 08.11.2023, learned State counsel was directed to have instructions with regard to order dated 17.05.2023 (Annexure P-13) passed in **CWP-10744-2023** (Annexure P-13) and apprise this Court whether the benefit of granting dearness allowance has been released to the petitioners therein or not.

Learned State counsel on instructions from Harpreet Singh, Senior Assistant, Finance Department submits that the matter is under consideration and no final decision has been taken yet.

Faced with this, learned counsel for the petitioners submits that the respondent No.3 is the competent authority to decide the legal notice dated 11.07.2023 (Annexure P-12) and same be decided in accordance with law.

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 11.07.2023 (Annexure P-12), respondent No.3 is directed to decide the legal notice in accordance with law, 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 the petitioners within a period of 8 weeks thereafter.

The petition stands disposed of.

06.12.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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