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2023:PHHC:154023

CWP-27132-2023
Date of decision: 04.12.2023

 V/s

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

DEEPAK MANCHANDA J. (ORAL)

Learned counsel for the petitioners contends that the petitioners are retirees from Department of Local Government on different dates and they have been getting pension since the date of their retirement. All the petitioners retired after 01.01.2016. The State Government appointed the 6th Pay Commission and on receipt of the recommendations of the Commission, vide Notification dated 05.07.2021, the pay scales were revised w.e.f. 01.01.2016. It promulgated the Rules called the Punjab Civil Services (Revised Pay) Rules 2021. The said

Statutory rules were amended vide Punjab Civil Services (Revised Pay)

First Amendment Rules, 2021 which were notified on 20.09.2021. Vide aforesaid amendment the Government agreed to give a minimum raise of 15% of salary to every employee and it was decided to raise the pay over and above the Basic Pay as on 31.12.2015. As per the notification if the salary of any employee under the pay fixation rules of 6th Punjab Pay Commission fixed less than 15% as the employee was getting on 31.12.2015 such employee shall be entitled to a minimum increase of 15% salary over and above the salary employee was getting on 31.12.2015. Learned counsel further contends that vide letter dated 29.10.2021 Department of Finance implemented the recommendation of Sixth Punjab Pay Commission regarding pension and other retirement benefits of employees who have retired after 01.01.2016. The formula of a minimum increase of 15% salary over and above the salary the employee was getting on 31.12.2015 was also adopted regarding the fixation of pension of employees who retired after 01.01.2016. In view of aforesaid notification, the pension of the petitioners were revised. The petitioners are retired employees and the department is expected to pay the revised pensionary benefits arising out of revised pay/pension to the petitioners within a reasonable time but even after the passage of about two years, petitioners have not been released the arrears of revised leave encashment, therefore petitioners are entitled for interest @ 9% per annum on any delayed payments. Learned counsel submits that the petitioners have also served legal notice dated 22.08.2023 (Annexure P-4) 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.

On asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of 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 22.08.2023 (Annexure P-4), respondent No.4 is directed to decide the aforesaid 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.

04.12.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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