

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106) CM-2386-CWP-2024 in/and
CWP-293-2021
Date of Decision : 22.02.2024

Ram Singh
...Petitioner

Versus

State of Haryana and others
...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjeev Sharma, Advocate for the petitioner.

Mr. Harish Rathee, Senior Deputy Advocate General,
Haryana.

Harsimran Singh Sethi J. (Oral)

CM-2386-CWP-2024

Present application has been filed for recalling the order dated 07.02.2024, by which, the present writ petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Harish Rathee, Senior Deputy Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which is duly supported by an affidavit, the same is allowed. The order dated 07.02.2024 is recalled and the writ petition is restored to its original number and status.

CWP-293-2021

1. In the present petition, the grievance of the petitioner is that he has not been paid his pension for the post on which the petitioner was working in accordance with rules governing the service.

2. Learned counsel for the petitioner submits that as per the Instructions issued by the Government of Haryana, the pension of an employee cannot be less than 50% of the minimum of the pay scale of the post on which the employee was working and as the petitioner was working on the post of Multipurpose Health Worker at the time of retirement and the pay scale of the said post, as revised by the respondent-State was 5200-20200+2400 as a Grade Pay, therefore, the petitioner was entitled for minimum of ₹10,000/- as pension whereas, only ₹9,962/- was assessed as on 01.01.2016.

3. Learned counsel for the respondents, on the other hand, submits that the claim of the petitioner is not based upon any of the Instructions, which states that 50% of the pay as calculated in the pay scale is to be given whereas, 50% of the minimum of the pay scale is to be given and as the post of Multipurpose Health Worker was in the pay scale of ₹5200 - ₹20200, 50% of ₹5200/- will come to ₹2600/- and the

petitioner is being paid the pension of ₹9,962/- hence, the claim of the petitioner is liable to be rejected.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The claim of the petitioner is that he is entitled for 50% of the pay as fixed in the pay scale of ₹5200 – ₹20200. As per the petitioner, he is not getting 50% of the pay as pension.

6. The said contention is to be seen from the pension payment order of the petitioner, a copy of which has been appended as Annexure P-2. The details have already been given as to how, pension of the petitioner has been calculated.

7. Learned counsel for the petitioner has not been able to point out any infirmity in the said fixation of the pension. In the absence of any perversity being pointed out in the fixation of the pension, keeping in view the stand taken by the respondents in the reply, no ground is made out for any interference by this Court keeping in view the claim raised in the present petition and the same is accordingly dismissed.

February 22nd, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No