

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

(114)

CWP-1562-2024**Date of decision: - 24.01.2024****Rajinder Kumar****....Petitioner****Versus****State of Haryana and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Ms. Jyoti Chahal, Advocate, for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

VIKAS BAHL, J. (ORAL)

1. Present 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 No.2 and 3 for revision of pension of pre 01.01.2016 pensioners/family pensioners of Haryana Government (7th CPC) w.e.f. 01.01.2016 in view of para 5 of Memo dated 27.10.2022 issued by respondent No.1 (Annexure P-3) to the petitioner with all consequential benefits w.e.f. 01.01.2016 as the petitioner is drawing compulsory retirement pension.

2. Learned counsel for the petitioner has submitted that inadvertently, in the legal notice dated 15.09.2023 (Annexure P-4), reference has not been made to the memo dated 27.10.2022 (Annexure P-3), a reading of which shows that subsequent to the instructions dated 10.01.2018, new instructions have been issued by the State of Haryana and in para No.5 of the said memo dated 27.10.2022 (Annexure P-3), it

has been decided by the State of Haryana that with respect to instructions dated 10.01.2018 regarding revision of pension/family pension after 7th CPC by notional fixation of pay would also be applicable for revision of pension/family pension in respect of pensioners who were drawing compulsory retirement pension or compassionate allowance and the same would be revised w.e.f. 01.01.2016. It is further submitted that the petitioner be permitted to give a fresh legal notice to the competent authority of respondent No.1-State mentioning details of said instructions/memo and has prayed that the competent authority of respondent No.1-State be directed to decide the same without being influenced by the reply dated 18.10.2023 (Annexure P-5) passed in response to the earlier legal notice dated 15.09.2023 (Annexure P-4).

3. Learned State counsel has submitted that in case any legal notice is given by the petitioner, the competent authority of respondent No.1-State would consider the same within a period of eight weeks from the date of submission of the said legal notice.

4. Keeping in view the above-said facts and circumstances, the present petition is disposed of in the following terms: -

- (i) It would be open to the petitioner to give a fresh legal notice to the competent authority of respondent No.1-State within a period of two weeks from today.
- (ii) In case any such legal notice is given by the petitioner, competent authority of respondent No.1 would consider the same within a period of eight weeks from the date of submission of the said legal notice and in case after considering the said legal notice, competent authority of respondent No.1-State is of the view that the pleas raised by the petitioner are meritorious, then, the appropriate relief be

granted to him as expeditiously as possible. In case competent authority of respondent No.1-State is of the view that the pleas raised by the petitioner are meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of eight weeks.

5. It is made clear that this Court has not opined on the merits of the case and competent authority of respondent No.1-State would consider and decide the matter independently, in accordance with law.

January 24, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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