

2024:PHHC:019099
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

145

CWP-2940-2024

Date of Decision:09.02.2024.

RAJINDER KUMAR AND OTHERS

....PETITIONERS

VS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sunny Singla, Advocate for the petitioners.

Mr. Vaishnav Gandhi, DAG, Punjab.

AMAN CHAUDHARY J. (ORAL)

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the action of the respondents by revising the pay and pension of the present petitioners at par with the retirees or Pre-2016, whereas petitioners were retired after 01.01.2016.

2. Learned counsel for the petitioners contends that the petitioners were retired prior to 01.01.2016, however, they had been granted extension in service twice, as per instructions dated 08.10.2012 (Annexure P-2) and 20.09.2013 (Annexure P-3), consequent to which they would be entitled to revised pension as applicable to those, who had retired on or after 01.01.2016 in terms of Notification dated 05.07.2021, as implemented by order dated 29.10.2021 and Instructions issued by Department of Finance from time to time. In this regard, a legal notice dated 25.09.2023 (Annexure P-10) has already been served upon the respondents, however, the same has

not yet evoked response. He further submits that the petitioners are sanguine of it being considered in a positive manner, in case, a direction is given to respondent No.4 to decide the same in a time bound manner by granting an opportunity of hearing. Though, it is a recurring cause of action, however, the arrears can be restricted upto 38 months prior to filing of the petition, as held by the Full Bench of this Court in Saroj Kumari vs. State of Punjab 1998(3) PLR 123.

3. Notice of motion.
4. At the asking of the Court, Mr. Vaishnav Gandhi, DAG, Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondent No.4 to consider the legal notice dated 25.09.2023 (Annexure P-10) and decide the same, taking note of the Notifications/Instructions and judgment, referred to, by the petitioners, within a period of four months and if found entitled, necessary benefit be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioners therewith.

(AMAN CHAUDHARY)
JUDGE

09.02.2024
pry

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