



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

496

CWP-220-2004 (O&M)

Date of decision: 02.09.2024

Sham Sunder

....Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vivek Singla, Advocate for the petitioner

Mr. Tapan Kumar, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Th prayer in the present petition is for quashing the impugned order dated 18.12.2003 passed by respondent No.3 as also for directing the respondent authorities to release full pension amounting to more than Rs.4,000/- p.m. to the petitioner.

2. As is apparent from the written statement filed on behalf of respondent Nos.4 and 5 that during pendency of the present petition, the relief as sought by the petitioner has already been granted. Relevant paras whereof read thus:

“8. The petitioner filed the CWP No.10513 of 2003 with the prayer to direct the respondent authorities to release full pension as work out as per letter dt. 14.2.2002 by S.E., Karnal. The Ld. High Court vide order dt. 28.7.2003 disposed of the writ petition with the direction to the respondents to treat the CWP as representation on behalf of the petitioner and pass a speaking order on the same within 4 months.

In compliance of the above direction, speaking order dt. 18.12.2003 (Annexure P-7) was passed by Superintending Engineer, Karnal. In this order it was made clear that RSA No.1656 of 1985 has been allowed and decree passed by the Ld. Lower Appellate Court was set aside by the Ld. High

Court, hence the pay of the petitioner was re-fixed and got reduced after excluding the benefit of increments and has been fixed the last pay drawn as Rs.6550/- P.M. instead of Rs.8125/- on the date of superannuation as already calculated vide letter dt.14.2.2002. So, after excluding the period of absence towards increments, the pension of the petitioner was worked out as Rs.2246/- on the basis of last pay drawn as Rs.6550/-. Superintending Engineer, office recommended to release the pension to the petitioner to the tune of Rs.2246/- Per Month subject to the SLP filed by the State of Haryana. Further it was found that the request of the petitioner to grant the pension as Rs.4000/- is not admissible as per order passed in RSA No.1656 of 1985. Accordingly, order dt. 18.12.2003 (Annexure- P-7) was passed vide which the claim the petitioner has been rejected being not tenable.

9. That after the SLP filed by the State against the order of the High Court Dated 28- 09-2001 was dismissed on 13-01-2010, speaking orders dated 10-05-2010 were passed and case for full pension @ the rate of 50% of average pay of ten months of pay drawn before retirement which comes out to Rs. 3223/- was revised with effect from 1-10-2001 by **Pension Payment Orders** No. 4/S-344/2002-2003/159445-47 dated 21-06-2010 issued by Accountant General Haryana. A copy of the order dated 10.05.2010 is annexed alongwith the written statement as annexure R-1 for the kind perusal of this Hon'ble Court.

In view of the above speaking order dated 10.05.2010 (Annexure R-1) it is clear that the pension of the petitioner has been revised vide **Pension Payment Orders** No. 4/S-344/2002-2003/159445-47 dated 21-06-2010 issued by Accountant General Haryana and the same is as per order of the Hon'ble High Court and the writ petition has become infructuous and as is liable to be dismissed as such.”

3. In view of above, the present petition is disposed of as having been rendered infructuous.

(AMAN CHAUDHARY)
JUDGE

02.09.2024
M.Kamra

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