



CM-19730-CWP-2024 in/and :1:
CWP-6844-2024 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113+318 CM-19730-CWP-2024 in/and
CWP-6844-2024
Date of decision : 11.12.2024

P.A.U. PENSIONER TEACHERS ASSOCIATION (REGD.)
THROUGH ITS PRESIDENT
..... Petitioner

VERSUS

PUNJAB AGRICULTURAL UNIVERSITY AND OTHERS
..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Gurcharan Dass, Advocate with
Ms. Ravinder Kaur, Advocate
for the petitioner.

Mr. Amanpreet Singh Bains, AAG, Punjab.

Ms. Anisha Batra, Advocate
for respondents No.1 and 2.

Harsimran Singh Sethi, J. (Oral)

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This application is for placing on record rejoinder on behalf of
petitioner to the written reply filed by respondents No.1 and 2.

Application is allowed as prayed for.

Rejoinder is taken on record, subject to just exceptions.



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In the present petition, the grievance being raised by the petitioner is that the State of Punjab had issued instructions on 29.10.2021 (Annexure P-4) for implementation of recommendation of the 6th pay commission for the revision of the pension of the employees, who had retired prior to 01.01.2016 and the formula was given in the said scheme as to how it will be applicable on the retirees, who retired prior to 01.01.2016.

2. Learned counsel for the petitioner submits that the said recommendation of the Government were accepted by the Punjab Agricultural University and direction was given to grant the revised pension as per the decision of the Government of Punjab dated 29.10.2021 (Annexure P-4).

3. Learned counsel for the petitioner submits that though, there was no differentiation made by the Government of Punjab with regard to the pensioners who were earlier covered by the UGC but, while adopting the letter dated 29.10.2021 (Annexure P-4), the Punjab Agricultural University vide notification dated 14.01.2022 (Annexure P-5), decided to implement the letter dated 29.10.2021 issued by the Government of Punjab only qua the employees who were getting the Punjab pay scales and not the employees who were governed by the UGC pay scales.

4. Learned counsel for the petitioner further submits that after the letter dated 14.01.2022 (Annexure P-5), was issued by the Punjab Agricultural University adopting the letter dated 29.10.2021, the State of



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Punjab issued notification dated 10.05.2023 and revised pay scales of the teachers and equivalent cadres who were working with the Punjab Agricultural University so as to be revised w.e.f. 01.01.2016. The said letter has already been adopted by the Punjab Agricultural University and the benefit of revised pay scale to the teachers under the UGC pay scales have also been extended to the employees of the Punjab Agricultural University who are in service.

5. Learned counsel for the petitioner argues that once the pay scales of the teachers even governed by UGC pay scale has been revised by the Government of Punjab, which notification dated 10.05.2023 (Annexure P-9) has already been adopted by the Punjab Agricultural University also, seeking further clarification from the Government of Punjab so as to revise the pension of the pre 01.01.2016 retirees who were getting UGC scales at the time of retirement does not arise as the pre 01.01.2016 retirees, who were getting the UGC pay scale, are now to be granted the pension keeping in view the notification dated 10.05.2023, copy of which has been appended as Annexure P-9 but, under the garb of pending approval from the Government of Punjab so as to seek “clarification”, the matter is being kept pending so as to deny the benefit of revised pension to the pensioners who were getting UGC pay scale and the petitioners are suffering for the last more than 1½ year and are not getting their entitled pension, which they would have got w.e.f 01.01.2016 onwards.

6. Upon notice of motion, the University has filed the reply. In



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the reply, the University has only mentioned that they have conceded the fact that as per the letter dated 10.05.2023, the serving employees have already been granted the benefit of revised pay under the UGC scale and the notification dated 10.05.2023 is applicable from 01.01.2016, and the said letter is implemented w.e.f 01.01.2016. However, it has been mentioned that the revised pay has been allowed from 01.04.2023 but, the decision with regard to the grant of arrears has not been decided even by the State of Punjab and therefore, the question of grant of the same to the employees retrospectively, is pending consideration with the State of Punjab and as when the State grants the approval to pay arrears of pay to the employees w.e.f. 01.01.2016 to the one getting UGC scale, pension of the retirees will also be revised w.e.f. 01.01.2016.

7. Learned counsel appearing on behalf of State of Punjab submits that the State of Punjab has already taken appropriate decision qua the employees serving with the Government of Punjab and as the petitioners are the employees of the Punjab Agricultural University, the authority competent to take decision in the matter is the Punjab Agricultural University only and the Government of Punjab has no role in the matter.

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

9. From the facts which have been narrated hereinbefore, it is clear that the employees who retired prior to 01.01.2016 and were getting UGC pay scale, their pension is also to be revised keeping in view the letter of the



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Government of Punjab dated 10.05.2023 (Annexure P-9), which has been adopted by the respondent-University qua the serving employees who were getting UGC pay scale. As per the notification dated 10.05.2023 of Government of Punjab, as adopted by the Punjab Agricultural University, the revised pay scale of the teachers and the equivalent cadres working in the Punjab Agricultural University getting UGC pay scale are to be revised w.e.f. 01.01.2016. Once, the said decision has already been taken, the benefit of the said notification dated 01.05.2023 is to be extended to all the employees as well as the retirees, who were getting the UGC pay scale upto to their date of retirement. The formula fixed for revising the pension, as adopted by the State of Punjab, is to be implemented by the Punjab Agricultural University without any fail as retirees' pension is to be fixed keeping in view the pay scale granted to the post as per the notification dated 10.05.2023 qua the post held by them.

10. The only reason given by the Punjab Agricultural University for not granting the benefit to the petitioner qua the revision of their pension w.e.f. 01.01.2016 is that as per the letter dated 10.05.2023, the actual revision has taken place though, the revision has been granted w.e.f. 01.01.2016 but the actual revised pay has been given w.e.f. 01.04.2023 and the grant of arrears from 01.01.2016 till 31.03.2023 is yet to be decided.

11. It may be noticed that once actual revised pay scale has been granted w.e.f 01.04.2023 to the employees getting UGC pay scale, nothing barred the Punjab Agricultural University to grant the benefit of the revised



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pension to the pensioners even from 01.04.2023 by taking into consideration the revised pay scale. By taking into consideration the revised pay scale, the question of arrears from 01.01.2016 till 31.03.2023 could have been decided along with the decision to grant the same to the serving employees.

12. Further, once a benefit has been given in the notification by the State of Punjab dated 10.05.2023 revising the pay scale as well as the pension w.e.f. 01.01.2016 of the retirees who had retired upto 31.12.2015, the Punjab Agricultural University, having adopted the letter dated 10.05.2023, is competent enough to decide the issue of the release of the arrears of pension upon their own. They are not to depend upon the Government of Punjab as to what decision they would take to grant the arrears of salary/ arrears of pension to their employees. Hence, the claim of the petitioner with regard to the revision of their pension w.e.f. 01.01.2016 has to be granted by the Punjab Agricultural University to the pre 01.01.2016 retirees who were getting the UGC pay scale. The arrears, which the employees will be entitled for, are also to be released by the Punjab Agricultural University only.

13. The Respondent-University is directed to revise the pension of the pre 01.01.2016 retirees in terms of the notification of the Government of Punjab dated 10.05.2023 which already stands adopted by the Punjab Agricultural University, forthwith within a period of 04 weeks from the receipt of copy of this order. As the actual pay scale has been granted from



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01.04.2023, the benefit of revision of pension will be extended to the petitioner from 01.04.2023 along with arrears.

14. With regard to the arrears of the revised pension from 01.01.2016 onwards till 31.03.2023, the same be also released within a period of six months so that, the financial burden of the arrears is absorbed by the respondent-University within those six months.

15. Let the order be complied within a period of eight weeks from the date of receipt of the copy of this order.

16. The present petition is allowed in above terms.

**(HARSIMRAN SINGH SETHI)
JUDGE**

11.12.2024
Rimpal

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No