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

121 CWP-9378-2024
Date of Decision : 13.05.2024

JAGDISH RAM … PETITIONER

Versus

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.H.K.Brinda, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

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JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents to fix his pension in revised scales.

2. Learned counsel for the petitioner inter alia contends that petitioner is an ex-employee of State of Punjab and he is residing in Himachal Pradesh, thus, he is getting his pension through office of Accountant General, Shimla, Himachal Pradesh. The respondent has not revised his pension as per 5th and 6th Pay Commission recommendations.

3. Reply dated 13.05.2024 by way of affidavit of Rajpal Singh Hundal, PPS, Superintendent of Police, Headquarters, Rupnagar filed on behalf of respondents No.1 to 3 is taken on record. Registry is directed to tag the same at appropriate place.

4. State counsel pointing out reply submits that Punjab State Government has asked office of Accountant General of Himachal Pradesh Shimla to process the case of petitioner for revised pay scale as per

recommendation of 6th pay commission and for the said purpose, communication dated 29.10.2021 has been made.

5. The respondent in its reply has taken a categoric stand that State of Punjab has advised the Accountant General of Himachal Pradesh, Shimla to revise pension of the petitioner as per recommendations of 5th and 6th pay commission. For the sake of convenience, the relevant extracts of the reply are reproduced as below :

> *"That the writ petition against the answering respondent no.1 and 3 is not maintainable and is liable to be dismissed. It is submitted that the pension case of the petitioner was sent to the Account General Punjab Chandigarh after preparing the pension case by the office of SSP Rupnagar and the accountant general vide its letter no. Pan-6/J-107/2009-10/736-38 dated 29.07.2022 (copy attached as Annexure R-1) was revised from 01.12.2011 and the revised scale of pensionary after revising the same becomes Rs.9825/- and after sanctioning the same, the case was sent for further proceedings to the Accountant General of Himachal Pradesh Shimla by the Accountant General Punjab of the petitioner. Further the copy of the implementation of recommendation of six pay Commission was duly sent by the State of Punjab, Department of Finance to Accountant General of Himachal Pradesh Shimla through Endst.No.3/1/2021-FPPC/279, Dated (Chandigarh) 29.10.2021 (copy attached as Annexure R- 2) therefore no further action or any proceeding is to be conducted by respondent no.1 and 3. As such the petition against the respondent no.1 and 3 is not maintainable and is liable to be dismissed, as further action if any is to be taken by the Accountant General Himachal Pradesh Shimla."*

6. From the aforesaid communication, it comes out that the petitioner is not getting revised pension on account of non-implementation

of recommendations of 5th and 6th pay commission by office of Accountant General of Himachal Pradesh, Shimla. The petitioner must approach authorities at Shimla for the redressal of his grievance because State of Punjab, as mentioned in reply, has already implemented recommendations of 5th and 6th pay commission.

7. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

13.05.2024
anju

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