

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

254

CWP-10323-2023
Date of decision: 05.03.2024

Pawan Kumar and othersPetitioners

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Nitesh Singla, Advocate for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Rishabh Gupta, Advocate for respondent No.2.

NAMIT KUMAR J. (Oral)

1. The present petition has been filed by the petitioners under Articles 226/227 of the Constitution of India seeking a writ of mandamus for directing the respondents to revise the pension/family pension of the petitioners by granting Dearness Allowance at least @ 119% on the basic pay as on 31.12.2015, in view of letter dated 20.09.2021 (Annexure P-8) and to grant arrears of Dearness Allowance @ 119% w.e.f. 01.07.2015 till 31.12.2015 as the same has been granted to similarly situated employees of Govt. of Punjab vide letter dated 02.12.2022 (Annexure P-10) in view of undertaking given by the department in CWP No.29 of 2023 titled as 'Kuljeet Singh and others Vs. State of Punjab and others' decided on 10.01.2023 (Annexure P-11) along with all arrears of pay/pension and consequential benefits along with interest @ 12% per annum.

2. Learned counsel for the petitioners submits that for claiming the said relief, the petitioners have also submitted legal notice

dated 06.02.2023 (Annexure P-12), which is still pending consideration with the respondents and at this stage, the petitioners would be satisfied, if appropriate directions are issued to respondent No.2 to consider and decide the said legal notice, by passing a speaking order in a time bound manner.

3. Learned counsel for the respondents have no objection to the innocuous prayer made by the learned counsel for the petitioners and submit that the said legal notice shall be considered by respondent No.2, in consultation with respondents No.1 and 3.

4. I have heard learned counsel for the parties and have gone through the record of the case.

5. Without expressing any opinion on the merits of the case or the claim being made by the petitioners in the present petition, respondent No.2 is directed to consider and decide the claim made by the petitioners in the legal notice dated 06.02.2023 (Annexure P-12), in consultation with respondents No.1 and 3, in accordance with law, by passing a speaking order, within a period of three months, from the date of receipt of certified copy of this order. In case, the petitioner is found held entitled, the necessary benefits be released within a period of four weeks thereafter.

6. The petition stands disposed of, in the above terms.

05.03.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No