

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16558-2016 (O&M)
Date of decision: 29.01.2024

Sudhir Kant Bansal

....Petitioner

Versus

State of Punjab & Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Namit Gautam, Advocate
for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

Mr. Rishabh Gupta, Advocate
for respondents No.2 to 5.

NAMIT KUMAR J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to release the entire arrears and further to pay interest @ 18% on the arrears of refixed pay, pension and other allowances w.e.f. 02.01.1978 i.e. the date of accrual till the date of actual payment in compliance with the judgment passed by this Court in RSA No.16 of 1985, decided on 10.01.2010.

On issuance of notice of motion, a detailed written statement has been filed by respondents No.2 to 5, wherein it has been stated as under:-

“1. That the present petition filed by the petitioner is liable to be dismissed. It is relevant to state here that the complete arrears for the period i.e 01/01/1978 to 01/01/1986-Rs. 3427/-, 01/01/1986 to 12/11/01-Rs.21261/-, 22/07/93 to 30/07/93-Rs.3427/-, 30/07/93 to 25/08/98-Rs.3427/-, 12/11/01 to 22/01/02-Rs.1370/-, 23/01/02 to

30/04/07-Rs.10362/- for revised leave encashment has been paid in the month of November, 2015. It is further submitted that soon after the issuance of Revised pension order in the month of August 2015, the arrear for the revised pension of Rs.1,36,260/- has been paid to the petitioner in November, 2015 and the arrears of old age allowance of Rs. 2076/- has been paid in April, 2016 and there has been no delay on behalf of PSPCL. There has been no delay on behalf of the answering respondent and all the arrears have been paid in time.”

No replication has been filed by the petitioner to the averments made by the respondents in their written statement, however, learned counsel for the petitioner submits that still some amount, including interest, is due towards the respondents and he may be permitted to withdraw the present petition with liberty to raise the remaining issues by serving a justice demand notice upon the respondents within a period of 01 month and the same shall be ordered to be considered and decided in a time bound manner.

If any such justice demand notice is issued by the petitioner within a period of 01 month from today, the same shall be considered and decided by the respondents within a period of 03 months, after its receipt, and if the petitioner is found entitled to the benefits, the same shall be released to him within a period of 01 month thereafter.

Disposed of in the aforesaid terms.

(NAMIT KUMAR)
JUDGE

29.01.2024

yakub

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No