



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229

CWP-20658-2021

Date of decision :04.12.2024

Tarsem Singh

.....Petitioner

VERSUS

Pepsu Road Transport Corporation and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sunny Singla, Advocate with
Mr. Jaskirat Singh, Advocate for the petitioner.

Mr. Anupam Singla, Advocate
for the respondents.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner
claiming the following reliefs:

“ii) issue a writ, in the nature of certiorari for quashing the order dated 13.05.2019 (P-7) qua the petitioner, vide which the claim of the petitioner was rejected in illegal and arbitrary manner and contrary to the law laid down by the Hon’ble Supreme Court of India in Vijay Kumar, I.A.S. Vs. State of Maharashtra 1988 AIR (SC) 2060 and judgment passed by the Hon’ble Division Bench of this Hon’ble Court in Civil Writ Petition No.2697 of 2000, titled as Subhash Chander Wadhwa Versus State of Punjab, Decided on 4.2.2003.

iii) Further a writ in nature of Mandamus directing the respondents to revise the pay and pension of the petitioner after releasing the benefit of ACP Increments and Annual Increments to the petitioner as per notification dated 25.09.1998 (P-1) & 03.11.2006 (P-2) and gratuity as per



notification dated 17.08.2009 (P-3) and full pension on rendering 25 years of service in terms of notification dated 15.12.2011 (P-4), which has been illegally withheld by the respondent corporation without any reason, with all consequential benefits alongwith interest @ 18% P.A.

iv) Further prayed that a direction may kindly be issued to the respondents to provide the copy of the Service Book of the petitioner and Calculation Sheet of Pay and increments granted to the petitioner.

2. Reply on behalf of respondents has been filed, wherein, it has been stated as under:

“4) That after the perusal of the record, it was found that the petitioner was granted 8 years proficiency step up on 12.10.1991 on completion of 8 years of service. It is further submitted that during the pendency of the writ petition i.e. on 25.11.2021, the 8 years ACP benefit was converted into 4 years ACP, and accordingly the pay grade of the petitioner was enhanced. Thereafter, vide orders dated 25.11.2021 and 28.03.2022, the benefit of 9 years ACP as well as 14 years ACP was extended in favour of the petitioner w.e.f. from 26.12.2007 and 26.12.2012 respectively. It is also pertinent to mention here that after granting the aforesaid benefits to the petitioner, the pay of the petitioner was also revised including pension/gratuity/leave encashment. Accordingly, an amount of 57,435/- towards arrears of gratuity, 35,993/- towards arrears of leave encashment, ₹2,06,690/- towards arrears of revised pension and 1,93,941/- towards arrears of ACP was released to the petitioner At present, the petitioner is getting revised pension from the respondent Corporation. Hence it is clear that all the benefits for which the petitioner was entitled to have been granted to the petitioner as per his service record.

5) That so far as the issue raised by the petitioner for



calculation of his qualifying service for the purpose of pensionary benefits, in this regard, it is submitted that the petitioner has worked as driver in the respondent Corporation w.e.f. 12.10.1982 till 31.08.2014. Hence the petitioner has worked with the respondent Corporation for 31 years 10 months 19 days. However, during the service tenure, the petitioner remain suspended number of times, his annual increments were stopped 4 times without cumulative effect and 3 annual increments were stopped with cumulative effect. Petitioner also remained absent from duty on number of occasions and also recoveries were made from the petitioner for causing loss to the Corporation. Therefore, after deducting the unqualified period i.e. 1 year 7 months and 10 days, the total qualifying period of the petitioner is 30 years 3 months 9 days and all the retiral benefits have been released to the petitioner after calculating the aforesaid qualifying period.

6) That moreover, all the benefits have been extended to the petitioner as per 5th pay commission and accordingly, nothing survives for adjudication in the present writ petition.

3. Learned counsel for the respondents submits that all the claims raised in the present petition have been satisfied. However, learned counsel for the petitioner submits that the respondents have neither supplied the copies of orders dated 25.11.2021 and 28.03.2022, which have been referred to in Para 4 of the reply and the same have also not been annexed therewith and the said documents be supplied to the petitioner to enable him to verify as to whether all the payments have been released to the petitioner or not. He further submits that since there is considerable delay in releasing the said benefits, the petitioner may be granted interest thereon. Counsel further submits that the petitioner may be given liberty to make representation to claim interest on delayed

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payment and any other benefit and the same may be directed to be disposed of within a time bound manner.

4. The respondents are directed to furnish copies of the orders dated 25.11.2021 and 28.03.2022 to the petitioner within a period of four weeks from today.

5. The petitioner shall be at liberty to make a representation within a period of four weeks thereafter. On receipt of the said representation, the respondents shall consider and decide the claim made in the representation within a further period of three months.

6. Disposed of in the above terms.

(NAMIT KUMAR)
JUDGE

04.12.2024
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Whether speaking/reasoned	Yes
Whether reportable	No