

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219+105

CWP-25250-2018 (O&M)
Date of Decision : 15.02.2024

Om Parkash and othersPetitioners

Versus

Union of India and othersRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Jai Vir Yadav, Senior Advocate with
Mr. Tarun Yadav, Advocate
for the non-applicants/petitioners.

Mr. Karan Singh, Advocate
for respondent No.1-UI.

Mr. Rajesh Hooda, Advocate
for applicants/respondents No.2 & 3.

NAMIT KUMAR, J. (ORAL)

CM-16219-CWP-2023

Prayer in the instant application filed under Section 151 of
CPC is for seeking exemption from filing certified/typed copy of
Annexure R/1.

Allowed as prayed for subject to all just exceptions.

CM-16220-CWP-2023

Prayer in the instant application filed under Section 151 of
CPC is for disposal of the main writ petition i.e. CWP-25250-2018 in
view of the judgment dated 04.11.2022 passed by Hon'ble Supreme
Court in SLP No.8658-8659/2019 and other bunch of cases.

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Learned counsel for the non-applicants/petitioners does not object to the prayer made by learned counsel for the applicants-respondents No.2 and 3.

For the reasons mentioned in the application, the same is allowed.

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1. The present petition has been filed by the petitioners under Articles 226/227 of the Constitution of India for issuance of a writ of certiorari for quashing the fixation of pension worked out on the basis of ceiling of Rs.15,000/- per month instead of actual salary (Pay+DA) drawn by the petitioners at the time of retirement, purportedly under the provisions of Clause 11(4) of the Pension Scheme, amended vide notification dated 02.08.2014; and to quash the order dated 07.09.2018 (Annexure P-9) in respect of petitioner No.1 for recovery of the amount mentioned therein and similar order in respect of other petitioners, which have not been communicated; and not to reduce the pension already granted vide letter dated 13.06.2018 (Annexure P-8) worked out to be Rs.27,027/- on the basis of actual salary i.e. Pay+DA in the case of petitioner No.1 and similar calculations made in respect of other petitioners.

2. Learned counsel for respondents No.2 and 3 submits that the present petition be disposed of in view of the judgment of the Hon'ble Supreme Court passed in SLP No.8658-8659/2019 and other

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connected cases decided on 04.11.2022 as the specific relief has been granted to the petitioners in Para No.44(iv) of the aforesaid judgment.

3. Faced with this, learned counsel for the petitioners submits that he has no objection if the present petition is disposed of in view of the aforesaid judgment dated 04.11.2022 and respondents be directed to decide the claim of the petitioners within reasonable time.

4. In view of the submissions made by learned counsel for the respondents No.2 and 3 for disposal of the writ petition and no objection made by the learned counsel for the petitioners, as aforesaid, the present writ petition is disposed of in view of the judgment dated 04.11.2022 of the Hon’ble Apex Court passed in SLP No.8658-8659/2019 and other connected cases, with a direction to the respondents to decide the claim of the petitioners, within a period of three months from the date of receipt of certified copy of this order.

5. Pending application(s), if any, also stands disposed of accordingly.

15.02.2024

Kothiyal

Whether Speaking/reasoned

Whether Reportable

(NAMIT KUMAR)

JUDGE

Yes/No

Yes/No