

CWP-26339 of 2024

2024:PHHC:133C22



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

CWP-26339 of 2024

Date of decision: 14.10.2024

Avtar Singh and others

.....Petitioners

Versus

The Punjab State Power Corporation Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Baljeet Singh Sidhu, Advocate,
for the petitioners.

Mr. Gagneshwar Walia, Advocate,
for respondents No.1 & 3 to 5.

NAMIT KUMAR, J. (ORAL)

1. Prayer in this writ petition filed by the petitioners under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *mandamus*, directing the respondents to release the arrears of revised pay/pension (retirees from PSPCL) from 01.01.2016 to 30.06.2021 and arrears of other pensionary benefits on account of revised pay from 01.01.2016 to 30.06.2021 along with interest @ 18% per annum w.e.f. 01.07.2021 till the realization of the same, on the basis of Sixth Punjab Pay Commission, implemented w.e.f. 01.01.2016 by the Department of Finance, Govt. of Punjab i.e. respondent No.2. Further prayer has been made to direct the respondents to revise and refix the pension of the petitioners by taking into account 125% D.A. instead of 113% D.A. and thereafter, grant 15% of minimum benefit w.e.f. 01.01.2016 along with all consequential benefits of



pension/family pension as on 31.12.2015 including the arrears w.e.f. 01.01.2016 till 30.06.2021 along with interest @ 18% per annum, especially in view of the circumstances as enumerated in the writ petition, the revised pension and pensionary benefits be given by taking into account 2.59 factor on the basic pay as on 31.12.2015 w.e.f. 01.01.2016.

2. Learned counsel for the petitioners submits that the petitioners retired from service on attaining the age of superannuation prior to 01.01.2016. However, their arrears of revised pay/pension and other retiral benefits w.e.f. 01.01.2016 to 30.06.2021 based on the recommendations of the Sixth Pay Commission have not been paid. Learned counsel for the petitioners submits that at this stage, the petitioners would be satisfied, if the legal notice dated 21.03.2024 (Annexure P-5) is considered and decided by passing a speaking order in a time bound manner.

3. Notice of motion.

4. Mr. Gagneshwar Walia, Advocate, accepts notice on behalf of respondents No.1 and 3 to 5 and Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of respondent No.2 and they have no objection to the innocuous prayer made by learned counsel for the petitioners.

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

6. Without expressing any opinion on the merits of the case or the claim being made by the petitioners in the present petition,

CWP-26339 of 2024

2024:PHHC:133C22



respondent No.1 is directed to consider and decide the claim made by the petitioners in legal notice dated 21.03.2024 (Annexure P-5) 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 petitioners are found entitled, necessary benefits be released to them within a period of three weeks thereafter.

7. The petition stands disposed of.

14.10.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No