

CWP-26334 of 2024

2024.PHHC:133655



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

CWP-26334 of 2024

Date of decision: 14.10.2024

Subhash Chand Gupta and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Nitesh Singla, Advocate,
for the petitioners.

Mr. Rajesh Sehgal, Addl. A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed under Article 226 of the Constitution of India praying for issuance of writ in the nature of *mandamus* directing the respondents to revise and re-fix the pension of the petitioners by taking into account the multiplier factor of 2.59 on the basic pay w.e.f. 01.01.2016 along with all consequential benefits of the pension/family pension including the arrear of pension w.e.f. 01.01.2016 along with interest @ 18% per annum; to rectify and remove the anomaly in the revision of the pension of the petitioners as mandated in para 5.1 of the Circular letter dated 29.10.2021 (Annexure P-4) by taking into account 2.59 multiplier and to release the arrears of revised pay/pension in view of the implementation of 6th Pay Commission w.e.f. 01.01.2016 along with interest @ 9% on the delayed payments.

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 based on the recommendations of the Sixth Pay Commission have not been paid. Learned counsel submits that at this

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stage, petitioners would be satisfied, if the legal notice dated 16.05.2024 (Annexure P-11) is considered and decided by passing a speaking order in a time-bound frame.

3. Notice of motion.

4. Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of the respondents and has 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, respondent No.2 is directed to consider and decide the claim made by the petitioners in legal notice dated 16.05.2024 (Annexure P-11) 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 within a period of three weeks thereafter.

7. The petition stands disposed of.

(NAMIT KUMAR)
JUDGE

14.10.2024
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No