

CWP-27633 of 2024

2024:PHHC:135212



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

CWP-27633 of 2024

Date of decision: 16.10.2024

Shiv Kumar and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

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

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

Mr. Rakesh Roy, Advocate (through V.C.),
for Mr. Abhilaksh Gaiind, Advocate,
for respondents No.3 and 4.

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of writ in the nature of *mandamus* for direction to release the payment of arrears of revised pay/pension w.e.f. 01.01.2016 to 30.06.2021 on account of revised pay/pension in the light of Punjab Government notification dated 29.10.2021 (Annexure P-4) along with interest @ 18% per annum on delayed payments. Further direction has been sought to the respondents to grant dearness allowance @ 119% w.e.f. 01.07.2015 and @ 125% w.e.f. 01.01.2016 and subsequent hikes in DA at par with Central Government pattern as recommended by the Sixth Pay Commission in para 7.7 to 7.11 along with consequential benefits

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including arrears of the revised dearness allowance, revised gratuity and revised leave encashment.

2. Learned counsel for the petitioners submits that for grant of aforesaid benefits, the petitioners have served legal notice dated 08.06.2024 (Annexure P-8) upon the respondents, however, no action has been taken thereon till date. He submits that at this stage, petitioners would be satisfied, if the said legal notice 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 respondents No.1 and 2 and Mr. Rakesh Roy, Advocate, appearing through V.C. accepts notice on behalf of Mr. Abhilaksh Gaiind, Advocate, for respondents No.3 and 4 and they have no objection to the innocuous prayer made by learned counsel for the petitioner.

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.3 is directed to consider and decide the claim made by the petitioners in legal notice dated 08.06.2024 (Annexure P-8) 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.

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7. The petition stands disposed of.

16.10.2024
R.S.

(NAMIT KUMAR)
JUDGE

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