

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CWP-37240-2019

Date of Decision :04.03.2024

Sunehra Singh

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nonish Kumar, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance of the petitioner is that the petitioner has not been paid his entitled pension as the same has not been calculated by the respondents in the manner required for.

2. Learned counsel for the petitioner submits that w.e.f. 01.01.2006, as per the decision of the respondent-State, pension of retired employee cannot be less than the 50 % of the basic pay plus grade pay but in the present case, it has already come on record through the pension payment order of the petitioner that minimum of the basic pay for the post in question was Rs.13130/- with grade pay of Rs.3300/- hence, 50% of the same will be Rs.8215/- whereas, the respondents have fixed pension of the petitioner as Rs.7742/-, which action of the respondents is arbitrary and illegal.

3. Learned counsel for the respondents on the other hand submits that pension of the petitioner been fixed as per the formula given under the rules governing the service and keeping in view the said formula, pension of the petitioner has rightly been calculated by the respondent-department.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It may be noticed that the petitioner is claiming benefit of fixation of his pension under para 5.1.47 of the 6th Central Pay Commission, which is as under:-

“The revised pension, in no case, shall be lower than 50% of the sum of the minimum of the pay in the Pay band and the Grade pay thereon corresponding to the re-revised pay scale from which the pensioner had retired. To this extent, a change would need to be allowed from the fitment shown in the fitment table.”

6. A bare perusal of the above reproduction would show that the said clause is only applicable upon the retirees, who retired prior to 01.01.2006 providing as to how, their pension is to be fixed keeping in view the recommendation of the 6th Central Pay Commission.

7. In the present case, the petitioner did not retire prior to 01.01.2006 whereas, he was in service and he retired on 31.03.2006. Hence, his pension is to be fixed as per the Haryana Civil Services Rules, which has been followed by the respondents, which fact is clear from his pension payment order wherein, method of calculation has been given.

8. Learned counsel for the petitioner has not been able to show as to how the said calculation is incorrect.

9. Reliance being placed by the learned counsel for the petitioner

upon the clause of 6th Central Pay Commission, as reproduced hereinbefore, is not at all applicable in the case of the petitioner as the same is applicable upon the retirees, who retired prior to 01.01.2006.

10. Keeping in view the facts and circumstances recorded hereinabove, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

March 04, 2024
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No