



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CWP-31914-2024
Date of Decision: 20.12.2024

KANTI KUMAR BAKSHI ...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Chirag Wadhwa, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to revise the petitioner's salary and pension in terms of order dated 08.08.2023, Annexure P-2, passed by the first respondent, whereby the petitioner has been promoted as Principal with effect from 22.02.2001.

2. Pursuant to the last order dated 18.12.2024, Mr. Rahul Hooda, Director, Higher Education, is present in Court. Learned State counsel contends that as per written instructions, dated 19.12.2024, the petitioner's pay as Principal has been notionally fixed with effect from 22.02.2001 to 31.08.2009, vide office order dated 18.12.2024, and appropriate instructions have been issued for payment of difference of arrears of leave encashment. To send the case for revised pension, the requisite clearance from the Finance Department has also been sought. The instructions are to the following effect:

That in reference to the present matter it is also submitted that the petitioner retired from service on 31.08.2009 as Associate Professor. After his retirement, the Govt. vide order



dated 08.08.2023 has granted the benefit of deemed promotion as Principal w.e.f. 22.02.2001 under the Disability Act, 1995. Since, the petitioner has not performed his duties as Principal w.e.f. 22.02.2001 to 31.08.2009 and therefore the petitioner is entitled only notionally fixation of pay w.e.f. 22.02.2001 to 31.08.2009. Accordingly, the pay of the petitioner has been fixed notionally w.e.f. 22.02.2001 to 31.08.2009 vide order dated 18.12.2024 and a copy of order dated 18.12.2024 is enclosed as Annexure (R-1).

That in reference to releasing the difference of arrear of leave encashment, it is submitted that the Principal Govt. College for Girls, Sector 14, Gurugram has been directed vide letter no.22/27-2024 Ad(2) dated 19.12.2024 to make the payment of difference of arrear of leave encashment and in compliance of the same the concerned Principal, has accorded sanction of leave encashment and sent the same to the Treasury Office, Gurugram after calculation of difference. A copy of sanction order issued by concerned Principal is enclosed as Annexure (R-2).

That with respect to give the benefit of revised pension to the petitioner, in this regard it is submitted that before sending the case of revised pension of the petitioner to the Accountant General (A&E) Haryana, Chandigarh the exemption of the Finance Department, Haryana is required as per para 6.24(4) of the notification dated 30.11.2017 (Copy is enclosed herewith as Annexure R-3) issued by Finance Department, Haryana. Hence, the case of the petitioner has been submitted before the Finance Department, Haryana and further action for revising the pension of the petitioner is to be taken only after receiving the exemption from the Finance Department, Haryana (Copy is enclosed herewith as Annexure R-4).

Learned State counsel, on instructions from Mr. Hooda, also contends that the requisite clearance for revised pension will be obtained from the Finance Department within one month and the petitioner's case will be sent to the



3. In view of the statement made, learned counsel for the petitioner has no objection to the petition being disposed of in terms thereof.

4. Ordered accordingly, with a direction that in case the petitioner’s case for revised pension is not sent within four weeks, he shall be entitled to claim interest from the respondents at the rate of nine per cent per annum from today till the date of actual payment.

(TRIBHUVAN DAHIYA)
JUDGE

20.12.2024
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>