

CWP-32100 of 2024

2024:PHHC:157702



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

CWP-32100 of 2024

Date of decision: 28.11.2024

Nirmala and others

.....Petitioners

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Jaiteshwar S. Bhandari, Advocate,
for the petitioners.

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

Mr. R.P.S. Bara, Advocate,
for respondents No.2 to 5.

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* directing the respondents to release the arrears of revised family pension of the petitioners 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 at the rate of 18% w.e.f. 01.07.2021 till realization of the same on the basis of implementation of Sixth Punjab Pay Commission implemented w.e.f. 01.01.2016 by the Department of Finance, Government of Punjab. Further direction has been sought to the respondents to revise and re-fix the pension of the petitioners by taking into account 125% DA instead of 113% DA and thereafter grant 15% of minimum benefit w.e.f. 01.01.2016 along with

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all consequential benefits of the pension/family pension as on 31.12.2015 including the arrears w.e.f. 01.01.2006 till 30.06.2021 along with interest @ 18% per annum.

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 Punjab Pay Commission have not been paid. Learned counsel submits that at this stage, petitioners would be satisfied, if the legal notice dated 18.10.2024 (Annexure P-6) 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 respondent No.1-State and Mr. R.P.S. Bara, Advocate, accepts notice on behalf of respondents No.2 to 5 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, respondent No.2 is directed to consider and decide the claim made by the petitioners in legal notice dated 18.10.2024 (Annexure P-6) in accordance with law, by passing a speaking order within a period of

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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.

28.11.2024
R.S.

(NAMIT KUMAR)
JUDGE

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