



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

119

CWP No.33009 of 2024
Date of decision: 09.12.2024

B.S. Saini and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Shubham Goyal, Advocate
for the petitioners.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioners under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to revise and re-fix the pension and pensionary benefits of the petitioners by taking into account the multiplier 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 and also to hold the action of the respondents to be illegal despite the notification dated 05.07.2021 (Annexure P-2) and around three years are about to lapse yet the arrears or revised pension has not been released to them, same be directed to be released forthwith along with interest @ 18% per annum. Further a writ of mandamus has been sought for directing the respondents 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 factor which is to be applied in terms of the long drawn parity/acceptance of the said fact that the pay and dearness allowance of the Punjab Government retirees is to be at par with that of the government employees as recommended by the Punjab 6th Pay Commission or dearness allowance @ 125% in the formula on basic pay/pension w.e.f. 01.01.2016. Further a writ of certiorari has been sought for quashing the action/Circular and provisions of para 5.1 (a) of the Circular Letter dated 29.10.2021 (Annexure P-4), issued by the respondent State by not taking decision to release the benefits to the petitioners, who are found entitled for the same, who are pre-01.01.2016 retirees.

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 Pay Commission have not been paid. Learned counsel for the petitioners submits that at this stage, the petitioners would be satisfied, if the legal notice dated 18.08.2024 (Annexure P-11) is considered and decided by passing a speaking order in a time bound manner.

3. Notice of motion.

4. On the asking of the Court, Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of respondents and has no objection to the innocuous prayer made by learned counsel for the petitioners.

2024:PHHC:163183



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/competent authority, is directed to consider and decide the claim made by the petitioners in legal notice dated 18.08.2024 (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 to them within a period of three weeks thereafter.
7. The petition stands disposed of.

(NAMIT KUMAR)
JUDGE

09.12.2024
yakub

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