
(2010) 10 P&H CK 0153

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 14494 of 2010

Amrik Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 26-10-2010

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2010) 4 Crimes 54

Hon'ble Judges : Ajai Lamba, J

Bench : Single Bench

Judgement

Ajai Lamba, J.—This writ petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of certiorari, quashing the orders passed by the Respondents. It transpires that the Petitioners were given three additional increments on account of the fact that the Petitioners had passed Giani/ Prabhakar course, and therefore, had higher qualification. After retirement, the benefit of additional increments has been withdrawn.

2. Learned Counsel for the Petitioners contends that similar controversy has been referred to a Committee constituted under Orders of this Court passed in Civil Writ Petition No. 8701 of 2009 titled "Dalbir Singh and Ors. v. State of Punjab", decided on 8.3.2010.

3. Learned Counsel for the Petitioners as also learned Counsel for the Respondent-State pray that the matter be disposed of in view of order passed in Dalbir Singh "s case (supra).

4. In Dalbir Singh"s case (supra), the following has been held:

[5] During the course of hearing, learned Counsel for the parties are ad-idem that since the question as to whether or not the Petitioners were entitled to the grant of additional increments can be resolved only on the deep scrutiny of facts and records, the matter may be relegated to the Officers" Committee constituted by this Court vide order dated 02.03.2010 passed in CWP No. 16323 of 2008

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[6]. Ordered accordingly.970.

[7] Adverting to the additional contentions, I find that the Respondents have nowhere averred that the Petitioners misrepresented the facts or played fraud or deception to seek monetary gains, no recovery, therefore, can be affected from them as held by the Full Bench Budh Ram's case [supra]. The impugned recovery orders, are accordingly quashed. If any recovery has already been affected, the Respondents are directed to refund the same within a period of four months from the date a certified copy of this order is received.

[8]. So far as the non-observance of principles of natural justice is concerned, in view of the fact that the matter has been referred to the Officers"-Committee constituted under the orders of this Court, it is directed that the said Committee shall decide the Petitioners" claim afresh and objectively, uninfluenced of the reasons assigned in the impugned orders. The Officers"-Committee shall ensure that the Petitioners are personally heard may be in a representative capacity and the judicial precedents cited on their behalf are taken into consideration before arriving at the final decision. The Committee shall make its recommendations as early as possible and preferably within a period of six months from the date a certified copy of this order is received.

[9]. It is made clear that while the Petitioners, till the Officers" Committee takes a fresh decision, shall continue to draw their retiral benefits as per the re-fixed Pay/Pay Scales, however, if the Committee recommends in their favour, it is directed that the Competent Authority shall ordinarily accept such recommendations unless it disagrees for the reasons to be recorded in writing. On acceptance of the Committee's recommendations, the Petitioner shall be entitled to the consequential revision of their retiral benefits including pension and arrears thereof shall also be paid to them within a period of six months of such decision.

[10]. Since some of the Petitioners have not been granted the retiral benefits so far, the Accountant General, Punjab, is directed to release the pensionary benefits of such employees on the basis of the re-fixed pay/Pay Scales, subject to final outcome of the matter.

Disposed of.

5. In view of the above, this petition is disposed of in terms of order dated 8.3.2010 rendered in Civil Writ Petition No. 8701 of 2009 titled "Dalbir Singh and Ors. v. State of Punjab".