
(2014) 04 P&H CK 0179
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 6039 of 2014

Amrish Kumar Ahluwalia

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 01-04-2014

Acts Referred:

Citation : (2014) 04 P&H CK 0179

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Sandeep Panwar, Advocate for the Appellant

Final Decision : Disposed Off

Judgement

Augustine George Masih, J.—Petitioner has approached this Court praying for issuance of a writ of mandamus directing respondents to pay him the revised pension and other pensionary benefits on the basis of last pay drawn by him in the Bhakra Beas Management Board (hereinafter referred to as "BBMB") along with interest. It is the contention of the counsel for the petitioner that the petitioner was initially appointed as an Assistant Engineer (Electrical) on ad-hoc basis on 08.06.1979 and was posted in the BBMB on 22.06.1979 by way of general transfer orders. Petitioner joined as an Assistant Engineer in BBMB at B.S.L. Project Sundernagar, District Mandi, Himachal Pradesh on 07.07.1979 (AN). The services of the petitioner were regularized by the State of Haryana on 31.12.1990 and he continued to be posted on transfer to BBMB. He was promoted as an Executive Engineer by the State of Haryana and retired on the said post on attaining the age of superannuation while working in the BBMB on 30.09.2010.

2. Counsel for the petitioner contends that as per the Policy Instructions of the Government of Haryana, petitioner is entitled to the fixation of his pension on the basis of the last pay drawn by him which pay he drew from the BBMB. The basic pay, which the petitioner was drawing on the date of his retirement, was Rs.

61,170/- (Annexure P-1) and the said pay should have been taken into consideration for the fixation of his pension and other retiral benefits. However, respondents notionally fixed the basic pay of the petitioner as Rs. 39,140/- per month as the last pay drawn by him as if the petitioner was in the Irrigation Department, Haryana and accordingly, granted him the retiral benefits including pension. This, the counsel for the petitioner contends, is not sustainable in the light of the Division Bench judgment of this Court in CWP No. 4381 of 1993 titled as Charanjit Singh Kohli vs. State of Haryana and others, decided on 13.01.1994, where similarly situated employees of the Irrigation Department, Haryana posted at BBMB on retirement were denied the benefit of the last pay drawn by them from the BBMB, which action of the respondents was not accepted by this Court and the writ petition was allowed directing the respondents to re-determine the claim of the petitioner and grant him the consequential benefits.

3. Petitioner has submitted a representation dated 05.12.2013 (Annexure P-3) to the Engineer-in-Chief, Irrigation Department, Haryana-respondent No. 2, which has been down-marked to the Superintending Engineer, Project Circle, Panchkula on 08.01.2014 for taking necessary action but no decision thereon has been taken till date.

4. Counsel for the petitioner contends that liberty may be granted to the petitioner to file a detailed representation putting forth his claim, which representation shall be filed by the petitioner within a period of three weeks" from today to the Engineer-in-Chief, Irrigation Department, Haryana-respondent No. 2 and the same may be directed to be considered and decided by the said respondent within some specified time.

5. In the light of the statement made by the counsel for the petitioner, if such a representation is made by the petitioner to the Engineer-in-Chief, Irrigation Department, Haryana-respondent No. 2 within a period of three weeks" from today, the same shall be considered and decided by the said respondent within a period of three months" from the date of submission of such representation.

6. In case the claim of the petitioner is accepted, the consequential benefits, if any, be released to him within a further period of one month. In case the claim of the petitioner is not to be accepted, a well-reasoned and speaking order be passed and conveyed to him forthwith. Petition stands disposed of accordingly.