
(2001) 02 P&H CK 0028
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 2174 of 1998

Hawa Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 27-02-2001

Acts Referred:

Constitution of India, 1950 — Article 16, 226

Citation : (2001) 02 P&H CK 0028

Hon'ble Judges : J.S. Narang, J

Bench : Single Bench

Advocate : Rajbir Sherawat, for the Appellant; Ashok Chaudhary, DAG, for the Respondent

Judgement

J.S. Narang, J.—The claim of the petitioner is that he is entitled to revision of pension on account of granting of special increments on completion of 8 and 18 years of service and is also entitled to higher standard scale on completion of 10 and 20 years of service as per the Government instructions. It is further contended that the petitioner shall be entitled to revision of the pay scale after the said increments are given effect to at the relevant time when they fell due to the petitioner. The petitioner has also claimed monetary benefit to leave encashment, gratuity and G.I.S amount and that the said amounts should be released along with interest @ 18% from the date they fell due to the petitioner.

2. The State has filed reply and has specifically stated that the petitioner retired from service w.e.f. 30.6.1994 at his own request. The claim of military service benefit has been declined on the ground that he has already drawn military pension. The case of the petitioner has been examined by the respondents and he has been found entitled to increment on account of 8 years service w.e.f. 1.7.1992 which already stands granted to the petitioner vide order dated 19.5.1998. So far as the question of benefit 18 years service is concerned, the stand of the respondents is that the service of the petitioner falls short by one year, seven months and twenty seven days. As such, he is not entitled to the

said increment. So far as second scheme for grant of higher standard scale is concerned, the same would be available on completion of 20 years of qualifying-service and that the same was introduced w.e.f. 1.1.1994. As a sequel thereto, the petitioner has been granted the next higher standard scale on completion of 10 years of service w.e.f. 1.1.1994 but payable w.e.f. 29.6.1994. So far as granting of the same relief on completion of 20 years is concerned, the stand of the respondents is that the petitioner has not completed the said period. As such, he would not be entitled to the second higher standard scale of pay. The case of the petitioner has been duly revised vide memo dated 9.10.1998 and communication in this regard has been duly sent to the petitioner.

3. So far as the claim with regard to earned leave is concerned, it has been categorically averred that there is no credit in this regard to the account of the petitioner. As such, he is not entitled to any leave encashment.

4. Faced with this situation, the relief, which according to the respondents was to be granted to the petitioner, has been duly granted.

5. Learned counsel for the petitioner contends that the respondents are not at all correct and the entire mathematics which works out entitles the petitioner to the increment which fell due to him after rendering 18 years of service. He is also entitled to the second higher standard scale of pay, as he has successfully completed 20 years of service. This fact needs to be examined. Interest of justice would be met if the petitioner is allowed to make a detailed representation in this regard before the competent authority within 15 days from today and upon receipt thereof the competent authority shall take proper decision in this regard and a speaking order shall be passed depicting the mathematics as to how the relief relating to 18 years increment and second higher standard scale of pay has been declined to the petitioner.

6. Apart from this any other relief which the petitioner seeks in the same matter may also be raised which shall be determined accordingly by the competent authority.

7. It is directed that the decision should be rendered by the competent authority within three months from the date of receipt of copy of the representation and the order passed thereon shall be communicated accordingly to the petitioner. If the petitioner is found entitled to any relief the same shall also be released within one month thereafter. If the relief is granted and the amount is payable to the petitioner, the damages for the delayed payment are assessed at Rs. 10,000/- which also shall be released to the petitioner upon the passing of the said order. It is made clear if no amount is found due to the petitioner the said damages shall not be payable.

Petition is disposed of accordingly.

8. Petition disposed