

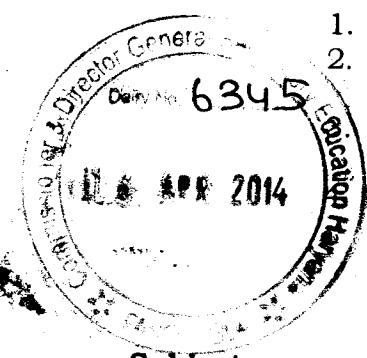
304 Admn 6
23-4-14

No. 4/4/2010-2Pension

From

Additional Chief Secretary to Government Haryana,
Finance Department.

To



1. All the Heads of Departments in Haryana.
2. Commissioner, Ambala, Hisar, Rohtak & Gurgaon Division.

All the Deputy Commissioners & Sub Divisional Officers (Civil) in Haryana.
The Registrar, Punjab & Haryana High Court, Chandigarh.

Dated Chandigarh, the 02.04.14.

Subject:-

CWP No. 20076 of 2009 (O&M) Mohinder Singh Kundu & others Vs. State of Haryana.

Sir,

Kindly refer to the subject noted above.

2. The Assistant Registrar (Writs) Punjab and Haryana High Court, Chandigarh has forwarded a copy of judgment dated 20.12.2013 passed in **CWP No. 20076 of 2009 (O&M) Mohinder Singh Kundu & others Vs. State of Haryana** regarding calculation of Pension.

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18/4/14
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For guidance in all similar service cases in the light of the above said judgement of Hon'ble Punjab & Haryana High Court, a copy of judgement dated 20.12.2013 passed in **CWP No. 20076 of 2009 (O&M) Mohinder Singh Kundu & others Vs. State of Haryana** has been uploaded on official website of Finance Department of Haryana Government at www.finhry.gov.in which can be download.

However the operative part of judgement dt. 20.12.2013 is reproduced as under:-

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22/4/14
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"The case has been admitted to be taken alongwith CWP No. 2581 of 2001. The said case has been disposed of in terms of yet another judgment in CWP No. 12771 of 2001 decided on 14.5.2013

Both the counsels agree that the reasons for dismissal of the writ petition in the above case will govern the consideration in this case as well. The writ petition is dismissed for the same reasons as set forth in **CWP No. 12771 of 2001.**"

The operative part of judgment dated 14.5.2013 quoted in decision dated 20.12.2013 passed in **CWP No. 20076 of 2009(O&M) Mohinder Singh Kundu & others Vs. State of Haryana** reads as under:-

"The reliance placed upon Sh. Sood's case (supra) on behalf of the petitioners is wholly mis-placed. The facts of that case were that Mr. S.P Sood had retired as an Executive Engineer and admittedly at that point of time he

had been placed in the higher pay scale of Rs. 4100-5300 w.e.f 1.5.1989. Accordingly, while observing that the pay scale that was actually being enjoyed by the petitioner at the time of his retirement would be crucial, it was held that since the pay scale of Rs. 4100-5300 stood revised to Rs. 13500-17250 w.e.f 1.1.1996, accordingly, Mr. Sood was held entitled to the benefit of re-fixation of pension @ 50% of the minimum of such revised scale i.e Rs. 13500-17250 instead of Rs. 12000-16650. **The facts of the present case are clearly distinguishable inasmuch as the categoric averments contained in the written statement and which have not met with any rebuttal by the petitioners is that they were in the scale of Rs. 3000-4500 at the stage of retirement and such being the factual position, their pension had to be fixed w.e.f 1.1.1996 with reference to the scale of Rs. 10000-13900 i.e the corresponding scale of pay of the pay last drawn by them. For the reasons recorded above, I find no merit in these petitions and the same are accordingly, dismissed."**

You are requested to take further necessary action in all such similar cases in light of the above stated judgment passed by the Hon'ble High Court.

Yours faithfully,

Sarla Rami

Under Secretary Finance (Pension)

for Addl. Chief Secretary to Government Haryana,
Finance Department.

A copy is forwarded to Chief Secretary to Government Haryana for information and necessary action.

Sarla Rami

Under Secretary Finance (Pension)

for Addl. Chief Secretary to Government Haryana,
Finance Department.

To

Chief Secretary to Government Haryana.

U.O. No. 4/4/2010-2Pension Dt. Chandigarh, the 02.04.14

A copy is forwarded for information and necessary action to:-

1. All Additional Chief Secretaries to Government Haryana.
2. All Principal Secretaries to Government Haryana.

Sarla Rami

Under Secretary Finance (Pension)

for Addl. Chief Secretary to Government Haryana,
Finance Department.

Subject:- CWP No. 20076 of 2009 (O&M)
Mohinder Singh Kundu & others Vs. State
of Haryana.

To

1. All the Additional Chief Secretaries to Govt. Haryana.
2. All Principal Secretaries to Government Haryana.

U.O. No. 4/4/2010-2Pension Dt. Chandigarh, the **02.04.14**
Endst. No. 4/4/2010-2Pension Dt. Chandigarh, the **02.04.14**

A copy is forwarded for information and necessary action to:-

1. Principal Accountant General (A&E)/Audit Haryana,
Chandigarh.
2. In-charge, Computer Cell, Finance Department for placing
the same on FD's website i.e. www.finhry.gov.in

Sarla Rami
Under Secretary Finance (Pension)
for Addl. Chief Secretary to Government Haryana,
Finance Department.

Endst. No. 4/4/2010-2Pension Dt. Chandigarh, the **02.04.14**

A copy is forwarded to all Deputy Secretaries/Under
Secretaries to Govt. Haryana, Finance Department for information and
necessary action.

Sarla Rami
Under Secretary Finance (Pension)
for Addl. Chief Secretary to Government Haryana,
Finance Department.

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