IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.23 of 2013
Date of Decision: July 01, 2015

Ramesh Kumar Musafir & others

...Petitioners

Versus

Yudhvir Singh Malik & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. K.L. Arora, Advocate
for the petitioners.

Ms. Vibha Dhiman, AAG, Haryana.

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AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioners have approached this Court alleging non-compliance of the order dated 03.02.2012 passed by this Court in CWP No.3986 of 1999.

It is the contention of the counsel for the petitioners that as per the directions issued by this Court, the respondent-State was required to consider the matter with regard to the grant of pension of the employees of the Haryana Khadi and Village Industries Board who had retired from 01.06.1992 to 08.02.1995 (i.e. the intervening period between these two dates). He contends that the powers of the State have been restricted with regard to the reconsideration especially in the light of the fact that the Board of Directors had already recommended the implementation of the said scheme from a particular date i.e. 01.06.1992. The petitioners, as per their

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undertaking given to the Court in the writ petition, are today also willing to refund the CPF amount alongwith 12% interest per annum which was withdrawn by them. He contends that even the time which has been granted for taking a decision that was 8 weeks has not been adhered to. Counsel, thus, contends that the respondents have violated the orders passed by this Court.

Counsel for the respondents, on the other hand, has referred to the order dated 6.01.2013 (Annexure R-1) passed by the Principal Secretary to Government of Haryana, Industries and Commerce Department-respondent No.1, wherein, a detailed order has been passed considering all aspects as per the directions issued by this Court in its order dated 03.02.2012 and thereafter had not accepted the recommendations made in the resolution passed by the Board of Directors for the application of the scheme from 01.06.1992. She, therefore, contends that the orders passed by this Court have been duly complied with.

I have heard the counsel for the parties and have gone through the records of the case.

In the considered view of this Court, the order dated 16.01.2013 (Annexure R-1) passed by this Court does not violate the order dated 03.02.2012 as the discretion was granted to the State to consider the claim as recommended by the Board of Directors for the grant of pension and pass a final decision thereon. The contention of the counsel for the petitioners that the order dated 16.01.2013 (Annexure R-1) is against the spirit of the judgment passed by this

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Court would be a matter to be decided by the Court as and when this order is challenged by the petitioner by way of independent proceedings.

Counsel for the petitioners states that the petitioners are about 75 years of age and therefore, any further delay in the matter would prejudice their claims because they are in advance stage of age and are senior citizens. This fact may be brought to the notice of the Court as and when appropriate proceedings are initiated.

In view of the above, the present petition is disposed of as infructuous with liberty to the petitioners to avail of their remedy in accordance with law against the order dated 16.01.2013 (Annexure R-1).

Rule discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

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