

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

SWP No.3128/2017

Date of order:28.02.2018

Om Parkash	Vs.	Union of India & ors.
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Coram:

Hon'ble Mr. Justice Ramalingam Sudhakar, Judge

Appearing counsel:

For Petitioner (s)	:	Mr. Sudershan Kumar, Advocate.
For respondent (s)	:	Mr. Ehsaan Dadhichi, CGSC.

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| i) | Whether to be reported in
Digest/Journal | : | Yes/No. |
| ii) | Whether approved for reporting
in Press/Media | : | Yes/No. |
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ORAL

1. Going by the nature of relief sought for and with the consent of learned counsel for the parties, the writ petition is **admitted** to hearing and the same is taken up for final disposal.
2. The petitioner, in this writ petition, seeks the following reliefs in the nature of mandamus:-

“Commanding and directing the respondents to fix/grant/pay the pension and arrears of the petitioner in terms of Government of India Letter/OM No.38/37/08-P&PW(A) dated 01.09.2008 as amended OM No.38/37/08 P&PW (A) dated 06.04.2016 i.e., 50% of the minimum of the pay in the pay band plus grade pay corresponding to the pre-revised pay scale of petitioner and grant him arrears and all consequential benefits including the arrears of pension and interest on the delayed payment @ 18% w.e.f. 01.01.2006 after re-fixing the same in terms of said OM and the pension

actually due for this period i.e., from the date it became due till the date of actual payment.”

3. Learned counsel for the petitioner states that the petitioner was enlisted in the CRPF on 06.08.1975 as constable in the 13 Bn CRPF Group Centre-2, Foy Sagar Road, Ajmer (Raj.) 305005 and retired on 01.10.1998. The details of the petitioner is as follows:-

Force No.	Rank	Name	Unit	Date of enlistment	Date of completion of 12 years of service	Date of Retirement	Date from which first ACP due	Basic Pension wrongly calculated by the respondents after revision	Basic Pension to be paid by the respondents after revision
750530311	HC/Dvr	Om Prakash	13 Bn Group Centre-2 CRPF, Foy Sagar Road, Ajmer (Raj.)	06.08.1975	06.08.1987	01.10.1998	09.08.1999	From 2471/- PM to 3724/- PM w.e.f 01.01.2006	From 2471 PM to 4920/- PM w.e.f. 01.01.2006

4. Petitioner's grievance appears to be that he is getting pension but the actual pension has not been paid. He made several representations (Annexure-A) dated 05.03.2013, 25.11.2011 and 03.08.2011. He also relies upon Letter/OM No.38/37/8-P&PW(A) dated 28.01.2013 and 06.04.2016 to claim the actual pensionary benefits, however, the same have not been considered and disposed of till date.

5. Mr. Dadhichi, learned CGSC appearing for the respondents, states that the authority concerned will accord consideration to the claim of the petitioner and dispose of the same as may be directed by this Court.

6. In this view of the matter, the writ petition is disposed of directing respondent No.2 to accord consideration to the claim of the petitioner on its own

merit in accordance with law applicable and the authority shall take decision in this regard expeditiously, preferably within a period of four to six weeks from the date of receipt of certified copy of this order alongwith aforesaid representations.

7. Writ petition stands **disposed of** as above.

(Ramalingam Sudhakar)
Judge

Jammu
28.02.2018
Ram Murti

