



PUNJAB HEALTH SYSTEMS CORPORATION

State Institute of Health and Family Welfare Complex

Phase-VI, Near Civil Hospital, SAS Nagar (Mohali), PUNJAB

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No. PHSC/Admn-4/2016/2917-67

Dated.. 29/11/16

To

1. All Civil Surgeons
State of Punjab.
2. Medical Superintendent
Civil Hospital Jalandhar & MKH
Patiala.
3. All Deputy Medical Commissioners
State of Punjab.

Subject: CWP 10872 of 2016- "*Lakha Singh Vs. State of Punjab & others*"
Regarding release of retiral benefits.

R/ Sir,

Kindly refer to the subject above.

2. The State Government, Department of Health & Family Welfare, Punjab vide IWDMS E-568-8/116/2016-2HB6/857936 dated 12-10-2016 has forwarded letter issued by Under Secretary to Government of Punjab, Department of General Co-ordination (Monitoring Cell) no. 1/33/2016-1moncell/10385 dated 21-07-2016, along with copy of judgment of Hon'ble Justice Rajiv Narain Raina of Punjab & Haryana High Court dated 28-05-2016. All these documents can be downloaded from the website of PHSC i.e. phscchd@yahoo.com.

3. It is requested that requisite compliance of the orders of the Hon'ble Court may be ensured.

Thanking you,

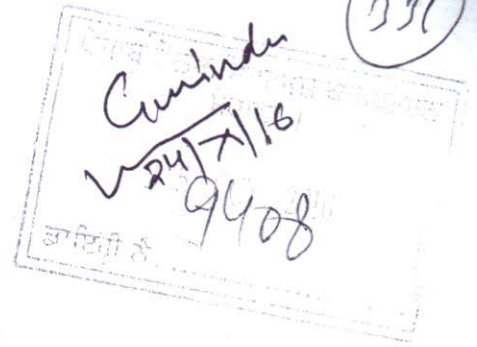
Yours sincerely

Director (P&F)

A copy of the above is forwarded to following for kind information & n/a pl :

- i) Principal Secretary to Government of Punjab, Department of Health & Family Welfare, Chandigarh w.r.t. memo no. IWDMS E-568-8/116/2016-2HB6/857936 dated 12-10-2016.
- ii) Director (Admn), PHSC, SAS Nagar.
- iii) Dy. Manager (Accts), PHSC, SAS Nagar.
- ✓ iv) System Analyst, PHSC, SAS Nagar with the request for uploading the same on PHSC website.

ਪੰਜਾਬ ਸਰਕਾਰ
ਸਿਹਤ ਤੇ ਪਰਿਵਾਰ ਭਲਾਈ ਵਿਭਾਗ
(ਸਿਹਤ - 6 ਸ਼ਾਖਾ)



ਤੁਰੰਤ/ਅਤਿ ਜ਼ਰੂਰੀ

ਸੇਵਾ ਵਿਖੇ,

1. ਕਮਿਸ਼ਨਰ, ਫੂਡ ਐਂਡ ਡਰੱਗਜ਼ ਐਡਮਨਿਸਟ੍ਰੇਸ਼ਨ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।
2. ਮੈਨੇਜਿੰਗ ਡਾਇਰੈਕਟਰ, ਪੰਜਾਬ ਹੈਲਥ ਸਿਸਟਮ ਕਾਰਪੋਰੇਸ਼ਨ, ਮੋਹਾਲੀ।
3. ਮਿਸ਼ਨ ਡਾਇਰੈਕਟਰ, ਨੈਸ਼ਨਲ ਹੈਲਥ ਮਿਸ਼ਨ, ਚੰਡੀਗੜ੍ਹ।
4. ਡਾਇਰੈਕਟਰ, ਸਿਹਤ ਤੇ ਪਰਿਵਾਰ ਭਲਾਈ ਵਿਭਾਗ, ਪੰਜਾਬ।
5. ਡਾਇਰੈਕਟਰ, ਸਿਹਤ ਸੇਵਾਵਾਂ (ਪਰਿਵਾਰ ਭਲਾਈ), ਪੰਜਾਬ।
6. ਡਾਇਰੈਕਟਰ, ਸਿਹਤ ਸੇਵਾਵਾਂ (ਐਸ.ਆਈ.), ਪੰਜਾਬ।
7. ਡਾਇਰੈਕਟਰ, ਹੋਮੀਓਪੈਥਿਕ ਵਿਭਾਗ, ਪੰਜਾਬ।
8. ਡਾਇਰੈਕਟਰ, ਆਯੁਰਵੈਦਿਕ ਵਿਭਾਗ, ਪੰਜਾਬ।
9. ਪ੍ਰੋਜੈਕਟ ਡਾਇਰੈਕਟਰ, ਪੰਜਾਬ ਏਡਜ਼ ਕੰਟਰੋਲ ਸੁਸਾਇਟੀ, ਚੰਡੀਗੜ੍ਹ।

ਮੀਮੋ ਨੰ: IWDMS No.E 568 - 8/116/2016-2ਸ6/ 852936/1-9

ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ 12-7-16

Sub:- CWP No. 10872 of 2016 = Lakha Singh V/s State of Punjab & Others.

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿਚ।

2 ਵਿਸ਼ਾ ਅੰਕਿਤ ਮਾਮਲੇ ਸਬੰਧੀ ਆਪ ਨੂੰ ਆਮ ਰਾਜ ਪ੍ਰਬੰਧ ਵਿਭਾਗ (ਮੋਨੀਟਰਿੰਗ ਸ਼ਾਖਾ) ਰਾਹੀਂ ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ ਵੱਲੋਂ ਮਿਤੀ 28.5.2016 ਨੂੰ ਜਾਰੀ ਕੀਤੇ ਗਏ ਹੁਕਮਾਂ ਦੀ ਕਾਪੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਹਿੱਤ ਭੇਜੀ ਜਾਂਦੀ ਹੈ।

ਸੁਪਰਡੰਟ

ਇਸ ਦਾ ਇੱਕ ਉਤਾਰਾ ਸਿਹਤ ਵਿਭਾਗ ਦੀਆਂ ਸਮੂਹ ਸ਼ਾਖਾਵਾਂ ਨੂੰ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਸੁਪਰਡੰਟ

ਸੇਵਾ ਵਿਖੇ,

ਸੁਪਰਡੰਟ,

ਸਿਹਤ - 1,2,4,5,6 ਅਤੇ 7 ਸ਼ਾਖਾ।

ਅੰ.ਵਿ.ਪੰ.ਨੰ: IWDMS No.E 568 - 8/116/2016-2ਸ6/

ਮਿਤੀ:

8/146/16-281

332

ਪੰਜਾਬ ਸਰਕਾਰ
ਆਮ ਰਾਜ ਪ੍ਰਬੰਧ ਵਿਭਾਗ
(ਮੋਨੀਟਰਿੰਗ ਸੈਲ)

prakash (Buey)
26/7/16
21/7/16
27/7
circulate
27/7
R. J. Singh
28/7/2016
Jt.

Sub:- CWP No 10872 of 2016 titled as Lakha Singh
V/S State of Punjab & others.

ਸਮੂਹ ਵਧੀਕ ਮੁੱਖ ਸਕੱਤਰ, ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ, ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਵੱਲ ਧਿਆਨ ਦੇਣ ਦੀ ਖੋਚਲ ਕਰਨ ਜੀ।

ਵਿਸ਼ਾ ਅੰਕਿਤ ਕੇਸ ਵਿੱਚ ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ ਦੇ ਹੁਕਮ ਮਿਤੀ 28-05-2016 ਦੀ ਕਾਪੀ ਇਸ ਪੱਤਰ ਨਾਲ ਭੇਜਦੇ ਹੋਏ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਹੁਕਮਾਂ ਦੀ ਇੰਨ ਬਿੰਨ ਪਾਲਣਾ ਕਰਨਾ ਯਕੀਨੀ ਬਣਾਉਣ ਦੀ ਖੋਚਲ ਕੀਤੀ ਜਾਵੇ ਜੀ।

(Signature)
ਅਧਿਨ ਸਕੱਤਰ ਤਾਲਮੇਲ

ਸੇਵਾ ਵਿੱਖੇ,

ਸਮੂਹ ਵਧੀਕ ਮੁੱਖ ਸਕੱਤਰ, ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ,
ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ ਅਤੇ ਪ੍ਰਬੰਧਕੀ ਸਕੱਤਰ,
ਪੰਜਾਬ ਸਰਕਾਰ

ਅੰ:ਵਿ:ਪੱ:ਨੰ:1/33/2016-1ਮੋਨ ਸੈਲ/ 10385

ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ 21-7-2016

1002
2/07/16

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.10872 of 2016

Date of decision: 28.5.2016

Lakha Singh

... Petitioner

Versus

State of Punjab & Ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. RC Sharma, Advocate,
for the petitioner.

Mr. Harkesh Manuja, Addl.A.G., Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The grievance of the petitioner is that even though he has retired from service on attaining the age of superannuation, his pension, GPF, gratuity, GIS and pensionary dues have not been delivered to him on account of his service book being misplaced. Consequently, his retiral benefits have remained unpaid. This is not a fair thing to happen to a person retired over a thing beyond his control and therefore the Secretary, Govt. of Punjab in the Home Department will act in terms of the affidavit filed by the Chief Secretary, Punjab on May 23, 2016 in CWP No.2321 of 2014, which affidavit has given assurances to the Court that pension matters pending in court, in case they are not already resolved, or rendered infructuous, or matters likely to be filed claiming pension would be taken up by the Secretary of the department concerned and settled within three months. The situation in the case in hand is such as was not contemplated by the Chief Secretary, Punjab in his affidavit nor was

required to be addressed. The affidavit being general in nature was sought to show the way forward.

Notice of motion.

On the asking of Court, Mr. Harkesh Manuja, Addl.A.G., Punjab, accepts notice and waives service on the respondents. He would ask the office of the Advocate General, Punjab to transmit this order to the Secretary of the Home Department, Punjab for taking necessary steps towards pay pension without further delay, if they are otherwise due and payable, and to do so within three months. If there are legal impediments in the way which might require judicial review of administrative action, then the Secretary will assign meaningful reasons justifying withholding of pension and pensionary benefits by passing an order in writing duly communicated.

The problem in this case arises due to the missing service book for which the petitioner is not at fault. However, he will cooperate with the department with whatever material he has with him for reconstruction of the service book, in case it is not found. He may visit the office of the Home Secretary on a working day where his grievance will be redressed promptly with due personal attention by treating this petition as a representation, as suggested by the Chief Secretary, Punjab in his affidavit and the dues paid to the pension account of the petitioner. This Court records that it places implicit faith on the affidavit of the Chief Secretary, Punjab and the assurances held out therein, that simpliciter cases of unpaid pension will be dealt with and suitably resolved in the office of the department concerned and will no longer find

335

CWP No.10872 of 2016

-3-

there way to this Court.

In view of above position, the petition stands disposed with the directions as contemplated and suggested by the Chief Secretary, Punjab himself for adoption by the Court. Therefore, the suggestion in paragraph 6 of the affidavit is accepted and will be read as operative part of this order and in other cases where pension cases remain pending with the Government of Punjab in its various departments.

(RAJIV NARAIN RAINA)
JUDGE

28.5.2016
monika