

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864101, Helpline 0172-2864100

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Sh. Nirmal Singh Dhiman,
S/o Sh. Gurbax Singh
R/o 895, Phase-XI, Sector-65,
SAS Nagar (Mohali)
M:9988163411

Appellant

Vs.

Public Information Officer,
O/o Financial Commissioner (Revenue)
(Admin-II Branch),
Punjab Civil Secretariat-1
Sector-1, Chandigarh

First Appellate Authority
O/o Financial Commissioner (Revenue)
(Admin-II Branch),
Punjab Civil Secretariat-1
Sector-1, Chandigarh

Respondents

Appeal Case No. 1061 of 2024

ORDER

This order may be read with reference to the previous order dated 26.11.2025 vide which the order was reserved to be pronounced.

2. The appellant has sought the following information:

(ii)	The period to which the information relates	From 2005 onwards
(iii)	Description of the information required	<p>(a) Supply a copy of the office noting showing the proposal sent to FD on the basis of representation of the applicant for settlement of the Audit Objection, dated 08.03.2006 pending for the last 15 years for its concurrence duly approved by the competent authority under the RTI Act, 2005. It should be duly attested by the PIO under his/her own seal.</p> <p>(b) The orders, dated 08.11.2021 of Hon'ble Chief Information Commissioner sent under registered cover to the Public Authority by name to Sh. V.K. Janjua, IAS, FCR. The concluding para of this order is as under: -</p> <p>"However, considering the main concern of the appellant that his pay /pension can not be reduced in accordance with the Punjab government instructions/judicial pronouncements, the same are being sent to the Financial Commissioner Revenue with an advice to look into the advice and take appropriate action as per law/rules/government preferably after giving a personal hearing to the appellant and by passing a speaking order. A copy of the judicial pronouncement /government instructions and the other material document submitted by the appellant in support of his claim are also being sent to the Financial Commissioner Revenue along with this order. With these observations the case is disposed of and closed.</p> <p>In view of the aforesaid orders, supply office noting entirely based upon the facts of this concluding Para were taking into consideration and got the approval from the competent authority in the light of the instruction issued by the Govt of India, Ministry of Personnel and Public Grievances (Department of</p>

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Personnel and Training) letter No. 1/6/2011-IR, dated 05/07.04.2019 under para 3.3:

Procedure followed in the decision-making process including channels of supervision and accountability as under: -

Para 3.3.1

All Government Department have specific duties and responsibilities under respective Allocation of Business Rules (AOB) Issued by the appropriate Government. The constitutional provisions and statues each government is required to implement are clearly laid down in the AOB. The manner of disposal of matter assigned to each Department /Ministry is described in the Transaction of Business Rules (TOB). Additionally, each department would have a specific set of schemes and development programmes which are required to implement directly or through their subordinate offices or other designated agencies. These documents some specific operations every public authority is required to undertake in the course of implementing the programe of schemes. Every operation mandated under the AOB read With TOB would be linked to a specific decision making. **ALL GOVERNMENT OFFICERS HAVE TO FOLLOW THE LAID DOWN OFFICE PROCEDURE MANUAL OT THE OTHER RULES WHICH GIVES DETAILS OF HOW REPRESENTATIONS, PETITIONS AND APPLICATIONS FROM CITIZENS MUST BE DEALT WITH, TEMPLATE, FORMATS AND BASIC STEPS OF DECISION MAKING ARE BRIEFLY EXPLAINED INS SUCH MANUALS. THESE DESCRIPTIONS CONSTITUTE THE ELEMENT OF DECISION-MAKING PROCESS IN GENERAL**

(c) The reduction of pay after retirement without any fault of the applicant is a major punishment under Punjab Civil Services (Punishment and Appeal) Rules,1970

Supply a copy of the Rules under CSR and PFR under which the pay has been reduced

		after retirement without any fault of the ^{applicant's} attested by the PIO under his/her own seal.
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3. Thereafter, the appellant filed the first appeal and feeling aggrieved, he filed the second appeal before the Commission. Accordingly, a notice of hearing was issued to the parties. In the interest of natural justice, the case was adjourned number of times and the reasonable opportunities were given to the parties in this case. After the detailed deliberations with both the parties, the case was reserved on 26.11.2025.

4. The perusal of the case file shows that, with regard to Point No. 3(a) of the RTI application, the respondent supplied the information comprising 09 pages to the applicant. With regard to Point No. 3(b), the respondent supplied the information comprising 16 pages to the applicant. With regard to Point No. 3(c), the respondent filed the specific reply and the relevant portion of the same is as follows:

ਸ੍ਰੀ ਨਿਰਮਲ ਸਿੰਘ ਧੀਮਾਨ ਵਲੋਂ ਦਾਇਰ ਕੀਤੇ ਗਏ ਅਪੀਲ ਕੇਸ ਨੰ: 1061/2024 ਵਿੱਚ ਨੁਕਤੇ ਨੰ: 2. (iii) (c) ਦਾ ਵਿਸ਼ਬਾਰ ਪੂਰਵਕ ਜਵਾਬ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹੈ:

1. ਸ੍ਰੀ ਨਿਰਮਲ ਸਿੰਘ ਧੀਮਾਨ, ਸੁਪਰਡੈਂਟ ਗ੍ਰੇਡ-1 ਦੀ ਰਿਟਾਇਰਮੈਂਟ ਸਮੇਂ ਲਾਸਟ ਬੈਸਿਕ ਪੈ 10980/- ਸੀ, ਜਿਸ ਤੋਂ ਹੀ ਪੈਨਸ਼ਨ ਕੇਸ ਭੇਜਿਆ ਗਿਆ ਸੀ ਅਤੇ ਪੈਨਸ਼ਨ ਵੀ ਉਸੇ ਬੈਸਿਕ ਪੈ ਤੋਂ ਹੀ ਨਿਸ਼ਚਿਤ ਕੀਤੀ ਗਈ ਹੈ। ਰਿਟਾਇਰਮੈਂਟ ਤੋਂ ਬਾਅਦ ਬੈਸਿਕ 10980/- ਤੋਂ ਘਟਾਈ ਨਹੀਂ ਗਈ। ਇਸ ਸਬੰਧੀ ਪਹਿਲਾਂ ਹੀ ਬਹੁਤ ਵਾਰੀ ਰਿਟਾਇਰੀ ਨੂੰ ਸਪਸ਼ਟ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ। ਪ੍ਰਾਰਥੀ ਦੀ ਰਿਟਾਇਰਮੈਂਟ ਤੋਂ ਬਾਅਦ 11320/- ਨਿਸ਼ਚਿਤ ਕੀਤੀ ਗਈ ਸੀ, ਜੋ ਕਿ ਪ੍ਰਾਰਥੀ ਨੂੰ ਤਨਖਾਹ ਸੋਧਣ ਉਪਰੰਤ ਮਿਲਣਾ ਯੋਗ ਸੀ, ਕਿਉਂਕਿ ਮਹਾਲੇਖਾਕਾਰ ਵਲੋਂ ਮਿਤੀ 08.03.2006 ਰਾਹੀਂ ਪ੍ਰਾਰਥੀ ਦੇ ਪੈਨਸ਼ਨ ਕੇਸ ਤੇ ਆਬਜੈਕਸ਼ਨ ਪਹਿਲਾਂ ਹੀ ਲਗਾਇਆ ਹੋਇਆ ਸੀ। ਪ੍ਰਾਰਥੀ ਦੀ ਲਾਸਟ ਬੈਸਿਕ 11320/- ਕਰਨ ਉਪਰੰਤ ਮਹਾਲੇਖਾਕਾਰ ਵਲੋਂ ਲਾਏ ਆਬਜੈਕਸ਼ਨ ਨੂੰ ਵਿਚਾਰਿਆ ਗਿਆ ਅਤੇ ਤਨਖਾਹ ਵਿੱਚ ਸੋਧ ਕਰਦੇ ਹੋਏ ਲਾਸਟ ਬੈਸਿਕ ਮੁੱਕ ਤੋਂ 10980/- ਰੁਪਏ ਨਿਸ਼ਚਿਤ ਕੀਤੀ ਗਈ। ਪ੍ਰਾਰਥੀ ਦੀ ਰਿਟਾਇਰਮੈਂਟ ਸਮੇਂ ਜੋ ਲਾਸਟ ਬੈਸਿਕ ਪੈ 10980/- ਸੀ, ਉਹੀ ਸੋਧਣ ਉਪਰੰਤ ਮੁੱਕ ਤੋਂ 10980/- ਫਿਕਸ ਹੋ ਗਈ। ਪ੍ਰਾਰਥੀ ਦਾ ਪੈਨਸ਼ਨ ਕੇਸ 10980 ਬੈਸਿਕ ਪੈ ਨਾਲ ਏ.ਜੀ. ਨੂੰ ਭੇਜਿਆ ਗਿਆ ਸੀ, 11320 ਬੈਸਿਕ ਨਾਲ ਨਹੀਂ ਭੇਜਿਆ ਗਿਆ। ਇਸ ਲਈ ਜਦੋਂ ਰਿਟਾਇਰੀ ਦੀ ਪੈਨਸ਼ਨ 11320 ਅੰਸ਼ਕ ਮੰਨਦੇ ਹੋਏ ਨਿਸ਼ਚਿਤ ਹੀ ਨਹੀਂ ਹੋਈ ਤਾਂ ਪੈਨਸ਼ਨ ਵਿੱਚੋਂ ਰਿਕਵਰੀ ਕਿਸ ਤਰ੍ਹਾਂ ਕੀਤੀ ਜਾ ਸਕਦੀ ਹੈ। ਏ.ਜੀ. ਪੰਜਾਬ ਵਲੋਂ ਲਗਾਏ ਗਏ ਇਤਰਾਜ਼ ਨੂੰ ਦੂਰ ਕਰਦੇ ਹੋਏ ਪ੍ਰਾਰਥੀ ਦੀ ਤਨਖਾਹ ਸੋਧੀ/ਦਰੁਸਤ ਕੀਤੀ ਗਈ। ਜਿਸ ਉਪਰੰਤ ਹੀ ਉਸ ਦਾ ਪੈਨਸ਼ਨ ਕੇਸ ਏ.ਜੀ.ਪੰਜਾਬ ਵਲੋਂ ਬੈਸਿਕ ਪੈ 10980/- ਤੇ ਮੰਨਜ਼ੂਰ ਕੀਤਾ ਗਿਆ। ਬਿਨਾਂ ਤਨਖਾਹ ਨੂੰ ਠੀਕ ਕੀਤੇ ਪੈਨਸ਼ਨ ਮੰਨਜ਼ੂਰ ਨਹੀਂ ਹੋ ਸਕਦੀ ਸੀ।
2. ਅਪੀਲ ਕਰਤਾ ਨੂੰ ਇਸ ਸਬੰਧੀ ਪਹਿਲਾਂ ਵੀ ਬਹੁਤ ਵਾਰ ਦੱਸਿਆ ਜਾ ਚੁੱਕਾ ਹੈ ਕਿ ਮਹਾਲੇਖਾਕਾਰ ਪੰਜਾਬ ਵਲੋਂ ਅਪੀਲ ਕਰਤਾ ਦਾ ਪੈਨਸ਼ਨ ਕੇਸ ਜੋ ਆਬਜੈਕਸ਼ਨ ਲਗਾ ਕੇ ਕੇਸ ਵਾਪਸ ਕੀਤਾ ਗਿਆ ਸੀ, ਉਹ ਆਬਜੈਕਸ਼ਨ ਰਿਮੂਵ ਕਰ ਦਿੱਤਾ ਗਿਆ। ਅਧਿਕਾਰੀ ਵਿਰੁਧ ਕਦੇ ਵੀ ਫਰਾਡ ਦਾ ਕੋਈ ਦੋਸ਼ ਨਹੀਂ ਲਗਾਇਆ ਗਿਆ। ਅਧਿਕਾਰੀ ਦੀ ਕੋਈ ਰਿਕਵਰੀ ਨਹੀਂ ਕੀਤੀ ਗਈ। ਰਿਟਾਇਰਮੈਂਟ ਤੋਂ 4 ਸਾਲ ਬਾਅਦ ਕਿਸੀ ਕਰਮਚਾਰੀ/ਅਧਿਕਾਰੀ ਵਿਰੁਧ ਵਿਭਾਗੀ ਕਾਰਵਾਈ ਨਹੀਂ ਕੀਤੀ ਗਈ। ਜੇਕਰ 4 ਸਾਲ ਬਾਅਦ ਵੀ ਧਿਆਨ ਵਿਚ ਆਉਂਦਾ ਹੈ ਕਿ ਕਿਸੀ ਕਰਮਚਾਰੀ/ਅਧਿਕਾਰੀ ਦੀ ਪੈ ਸੋਧ ਕੇ ਫਿਕਸ ਕਰਨ ਦੀ ਲੋੜ ਹੋ ਜਾਂ ਉਸ ਨੂੰ ਕੋਈ ਲਾਭ ਦੇਣਾ ਰਹਿ ਗਿਆ ਹੈ ਤਾਂ ਉਹ ਲਾਭ ਵੀ ਰਿਟਾਇਰਮੈਂਟ ਤੋਂ ਬਾਅਦ ਦਿੱਤਾ ਜਾਂਦਾ ਹੈ, ਤਨਖਾਹ ਸੋਧੀ ਜਾਂਦੀ ਹੈ। ਸ੍ਰੀ ਨਿਰਮਲ ਸਿੰਘ ਧੀਮਾਨ ਦੀ ਵੀ ਤਨਖਾਹ ਦੀ ਸੋਧ ਕੀਤੀ ਗਈ ਹੈ, ਤਨਖਾਹ ਘਟਾਈ ਨਹੀਂ ਗਈ ਹੈ।
3. ਅਪੀਲਕਰਤਾ ਨੂੰ ਸੂਚਨਾ ਸਹੀ/ਪੂਰੀ ਅਤੇ ਸਮੇਂ ਸਿਰ ਸਪਲਾਈ ਕੀਤੀ ਜਾ ਚੁੱਕੀ ਹੈ। ਅਪੀਲਕਰਤਾ ਵਲੋਂ ਰਿਟਾਇਰਮੈਂਟ ਤੋਂ ਬਾਅਦ ਅੱਜ ਤੱਕ ਇਕ ਹੀ ਮੁੱਦਾ ਵਾਰ ਵਾਰ ਉਠਾਇਆ ਜਾ ਰਿਹਾ ਹੈ ਕਿ ਦਫਤਰ ਉਸਦੀ ਰਿਟਾਇਰਮੈਂਟ ਤੋਂ ਬਾਅਦ ਉਸਦੀ ਲਾਸਟ ਬੈਸਿਕ ਘਟਾ ਨਹੀਂ ਸਕਦਾ, ਉਸ ਦੀ ਰਿਕਵਰੀ ਨਹੀਂ ਕਰ ਸਕਦਾ। ਵਾਰ ਵਾਰ ਸਪਸ਼ਟ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਅਪੀਲ ਕਰਤਾ ਦਾ ਪੈਨਸ਼ਨ ਕੇਸ ਉਸ ਦੀ ਲਾਸਟ ਬੈਸਿਕ 10980/- ਤੇ ਮਹਾਲੇਖਾਕਾਰ ਪੰਜਾਬ ਨੂੰ ਭੇਜਿਆ ਗਿਆ ਸੀ। ਜਿਸ ਤੋਂ ਮਹਾਲੇਖਾਕਾਰ ਪੰਜਾਬ ਨੇ ਆਬਜੈਕਸ਼ਨ ਲਗਾਇਆ ਕਿ ਇਸ ਅਧਿਕਾਰੀ ਨੂੰ ਵੱਖ

ਸਟੈਪ-ਅਪ ਦਾ ਲਾਭ ਦਿੱਤਾ ਗਿਆ ਹੈ। ਮਹਾਲੇਖਾਕਾਰ ਦਾ ਆਬਜੈਕਸ਼ਨ ਸੋਧਣ ਤੋਂ ਪਹਿਲਾਂ ਸਰਕਾਰ ਦੀਆਂ ਹਦਾਇਤਾਂ 25.09.2006 ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਅਧਿਕਾਰੀ ਨੂੰ ਇਕ ਸਾਲਾਨਾ ਤਰੱਕੀ ਦਾ ਲਾਭ ਦੇ ਦਿੱਤਾ ਗਿਆ ਤੇ ਲਾਸਟ ਬੈਸਿਕ ਪੈ 11320/- (ਰਿਟਾਇਰਮੈਂਟ ਤੋਂ ਬਾਅਦ) ਨਿਸ਼ਚਿਤ ਕਰ ਦਿੱਤੀ ਗਈ। ਮਹਾਲੇਖਾਕਾਰ ਦੇ ਆਬਜੈਕਸ਼ਨ ਅਨੁਸਾਰ ਅਧਿਕਾਰੀ ਦੀ ਤਨਖਾਹ ਸੋਧ ਕੇ ਫਿਕਸ ਕੀਤੀ ਗਈ, ਤੇ ਮੁੱਕ ਅਧਿਕਾਰੀ ਦੀ ਤਨਖਾਹ 10980/- ਕਰ ਦਿੱਤੀ ਗਈ। ਅਧਿਕਾਰੀ ਦੀ ਰਿਟਾਇਰਮੈਂਟ ਸਮੇਂ ਵੀ ਲਾਸਟ ਬੈਸਿਕ 10980/- ਹੀ ਸੀ ਅਤੇ ਬੈਸਿਕ ਸੋਧਣ ਉਪਰੰਤ ਪੈਨਸ਼ਨ ਵੀ 10980 ਤੇ ਹੀ ਕੈਲਕੁਲੇਟ ਕੀਤੀ ਗਈ ਹੈ।

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Appeal Case No. 1061 of 2024

5. However, the appellant filed the rebuttal and the relevant portion of the same is reproduced below:

Submission of deficiencies from the date of retirement, dated 31.01.2006 up to now not to grant the service pension on the basic pay of Rs. 11320/- to be revised to Rs. 26060/- on the Fifth Pay Commission Report, 2006 and accordingly revision of Sixth Pay Commissions Report, 2016 on this basic pay on the basis of the rules and regulations and Judgments and instructions placed before the authority.

Most respectfully showeth

1. That the appellant was promoted as Supdt. Grade-II on 21.10.2003 from the post Senior Assistant. Two month thereafter, the appellant was granted one annual increment on 01.01.2004. But this increment was withdrawn by exercising the arbitrary powers by the Administration. But once this act of negligence was drawn to the

notice of administration (S.Admn.-III Branch) that the pay of the appellant has been reduced even to his just junior Assistant {Smt Vijay Tiwari}. The then Superintendent Grade-I admitted to this fact and initiated its redressal. It was redressed on the basis of the instructions of the F.D., dated 25.09.2006. Accordingly, the pay was refixed to Rs, 11320/- on the date of retirement. Copies of the orders as **Annexure C-I and Annexure C-II.**

2. That on day of retirement i.e. 31.01.2006 the pay of the appellant was calculated on this basic pay for pension gratuity and Leave encashment and case sent to the AG(A&E), Punjab but the AG(A&E) instead of authenticating the pension case, it was returned with the objection as under: -

“The pay of Shri Nirmal Singh Dhiman has been stepped up four times once 5.1.1993, 2nd 23.09.1993, 3rd 20.08.1994 4th on 01.01.1995 and 01.06.1995 brought at par with his different juniors Sh Janak Raj, Harbilas, Ashok Rattan, Mohan Singh and Smt Gurcharan Kaur is not correct. This may be looked into and position clarified. Otherwise correct pay may be fixed with one person instead of time and again and recovery of the overpayment be made.”

3. That instead of looking into the matter and clarified the position to AG(A&E). The office withheld an amount of Rs. 65,000/- from the gratuity and this amount was not included in the order whereas an amount of Rs 18060/- outstanding as an interest of House Building Advance (HBA) was included in the orders. As such, this act of negligence was done with a malafide intention. A copy of the sanction of gratuity is also annexed at **Annexure C-III and Annexure C-IV**

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4 That the office sanctioned the provisional pension on the basic pay of the 10640/- instead of Rs. 10980/- contrary to the Rules 2.2 of CSR Vol.II where provisional pension should have been sanctioned on the last basic pay i.e. Rs. 10980/-. Rule 2.2(c)(1) has been applied upon the appellant whereas no department or judicial proceedings were against the appellant. In order to justify it, a copy of the orders, dated 15.05.2006 is annexed at **Annexure C-V.**

5. On enhancement of pay as per instructions of the Finance Department, dated 25.09.2006, Smt. Prem Lata, the then dealing Assistant prepared the calculation sheet of pension and gratuity on the basic pay of Rs. 11320/- but it was not granted on account of the Audit got conducted by the office. Then on the basis of this Audit Report got conducted by the Internal Audit Organization, the office reduced the basic pay of the appellant from the year 1993 upto the retirement of the appellant as per orders, dated 08.06.2007 and 02.09.2008 from Rs. 11320/- to Rs. 10980/-. The copies of the orders are annexed at **Annexure C-VI and C-VII.**

6. That the orders, dated 07.08.2008 of Mrs. Romilla Dubey, IAS, the then FCR accepted the prayer of the appellant relating to refixation of his pay as if the audit report is not applicable upon him. This is purely an administrative issue. Accordingly, the appeal was rejected without clarifying the rules relating to pension gratuity and leave encashment. A copy of this order, dated 07.08.2008 is annexed at **Annexure C-VIII.**

7. That the date of audit objection raised by the AG (A&E, Punjab), dated 08.03.2006 and sent the case to AG(A&E) Pb on 17.07.2007 after refixation of the pay of the appellant in the shape of reduction of the pay of the appellant from 11320/- to Rs. 10980/-. As such, the office

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Appeal Case No. 1061 of 2024

granted the pension and gratuity on the reduced pay of Rs. 10980/- as recommended by it to the AG(A&E) Pb. The copy of the letter dated 17.07.2007 of this office is annexed at **Annexure C-IX.**

8. That Mr. Gurinder Singh, Stenographers line also retired in July,2006. His pay was also reduced from Rs. 9200/- to Rs. 8925/-. Being an aggrieved employee had to approach the hon'ble Punjab and Haryana High Court for redressal of his grievance vide CWP No.20821/2008{Gurinder Singh v/s State of Punjab} and it was decided in his favour on 26.07.2010. Accordingly, the F.C.R. with drew the office order and his pay was restored as per orders, dated 17.05.2011. The copy of this orders is annexed at **Annexure C-X.**

9. That in view of the aforesaid orders relating to pay fixation of Mr. Gurinder Singh, PA(Retd.), his pay was also refixed in the revise pay scale on the Fifth Pay Commissions' Report 2006 from 01.01.2006. A copy of refixation of pay in the revised pay scale, dated 17.05.2011 is also Annexed at **Annexure C-XI.**

10 That after the promotion of the appellant as Superintendent Grade-II on 21.10.2003, a Departmental Promotion Committee (DPC) was held on 5.2.2004 and the name of the appellant was considered in it but the appellant was not promoted on 4.3.2204 along with others with malafide intention. But when it was brought to the notice of the administration in writing about this irregularity. This act of negligence was redressed by the legal opinion of the L.R.,Punjab , dated 08.06.2011 and 0612.2011. As such, the appellant was promoted after 8 years from the DPC with a malafide intention due to the reasons best known to the administration. The copies of the legal opinion of L.R.,Punjab issued vide U.O. No. 426/OP/41/2011,dated 08.06.2011 and U.O. no. 886/OP/129/2011,

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Appeal Case No. 1061 of 2024

dated 06.12.2011 are annexed at **Annexure C-XII and Annexure C-XIII**

11. That on the basis of the aforesaid two legal opinions of the Legal Remembrancer (L.R.), Punjab the appellant was promoted as Superintendent Grade -I w.e.f 03.04.2004 instead of 01.07.2004. But the pay was not fixed as per the orders, dated 29.11.2006 of the then Hon'ble Establishment Secretary. In order to justify this act of negligence, the copies of the orders of promotion and fixation of pay of the promote are annexed at **Annexure C-XIV and C-XV**
12. That after the promotion of the appellant in the year 2011 and thereafter the fixation pay was done incorrectly. The conditions under note of the orders, dated 17.5.2011 for restoring of the pay and the orders dated 17.05.2011 for fixation of pay on the Fifth Pay Commissions' Report was removed by Shri N.S. Kang, IAS, the then FCR. A copy of the orders, dated 21.01.2014 of Shri N.S. Kang, IAS, the then FCR is annexed at **Annexure C-XVI.**
13. That the F.C.R. filed the case in the Supreme Court of India against the judgment, dated 26.07.2010 passed in CWP No.20821/2008 in the case of Mr. Gurinder Singh. As such, SLP© 22569/2011 of the State govt. was clubbed with SLP© 24607/2010 and it was rejected by the hon'ble Supreme Court of India against the Govt. The aforesaid orders at Sr no.7 and 8 where was subject to the outcome of this SLP© No.24607/2010. The then FCR referred the case to the Advocate General, Punjab for getting his legal opinion on the judgment passed in SLP© No.24607/2010. The Advocate General, Punjab provided the legal opinion, dated 4.12.2013. The relevant portion of this legal opinion is as under: -

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Appeal Case No. 1061 of 2024

“However, the present case, since the impugned order has been quashed in toto and SLP filed against that order has also been dismissed by the hon'ble Supreme Court, there is no choice left with the department except to extend the benefit with future effect.”

A copy of this orders is annexed at **Annexure C-XVII.**

14. That the appellant placed the judgement, dated 14.09.2012 of the Punjab and Haryana High Court passed in RSA No. 341/2009 which is entirely based upon the rule 2.2 of CST Vol. II as under: -

“while examining the whole law on the point , it is observed that when no proceedings had been initiated by the respondent against the petitioner's employee prior to his retirement and no enquiry had been held, the respondent could not make such deductions against its employee on the basis of the report made by some committee after his retirement .”

Resultantly, the appeal of the appellant is accepted, impugned judgment is set aside and suit of the appellant is decreed to the effect that he is entitled to the refund of deductions made out his pensionary benefits along with interest at the rate of 12 % per annum with eff “(iv)The petitioners have neither averred nor any document have been placed on record to show that the State Government had initiated any action against any of the officers responsible for committing mistake or negligence in fixing the pay of the respondent. This being the position, there is no justification for making recovery from any pay and pension of the respondents.”

The appellant is retiree after 31.01.2006, the process adopted of pay fixation after retirement for reducing the pay of the

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Appeal Case No. 1061 of 2024

appellant vide orders, dated 08.06.2007 and 02.09.2008 is an act of negligence as the appellant has not been found guilty. Disciplinary action be initiated against them under Rule 2.33 of PFR Vol.I against the wrong doers due to lack of negligence on their part and to protect the Government from any loss caused to the State.

15. That para No.7 of the representation, dated 07.01.2021 in which the appellant placed the para No.(iv) of the orders, dated 02.08.2013 passed in the Special Leave to Appeal (C) no.24607/2010{ State of Punjab vs Krishan Kumar Bansal and ors.} which is as under:-

“ (iv) The petitioners have neither averred nor any document have been placed on record to show that the State Government had initiated any action against any of the officers responsible for committing mistake or negligence in fixing the pay of the respondent. This being the position, there is no justification for making recovery from any pay or pension of the respondent.”

The appellant is retiree after 31.01.2006, the process adopted of pay fixation after retirement for reducing the pay of the appellant vide orders, dated 08.06.2007 and 02.09.2008 is an act of negligence as the appellant has not been found guilty. Disciplinary action be initiated against them under Rule 2.33 of PFR Vol.I who are wrong doers due to lack of negligence on their part and to protect the Government from any loss caused to the State.

16. That the appellant placed the instructions of the Govt. issued vide circular letter No. 12/39/02/ 5PPII/9406, dated 17.06.2002 and other instructions vide circular letter No. 12/39/-5PPII/10960, 12.06. 2003 which are entirely based upon CWP No 4382/2002: Satbir Singh and others v/s State of Haryana. According to these intinctions, the

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Appeal Case No. 1061 of 2024

following aspects be kept in view at the time taking decision in the matter

- (i) The real facts of the case as per the official record of the Department.
- (ii) Facts regarding efforts made by the Administrative Department to solve the problems at their level.
- (iii) Opinion of the advising Department ie. Department of Finance, Department of Personnel (concerned Branch), Legal Remembrancer, Department of Welfare or another Retirement, where necessary.
- (iv) Facts of decided case attained finality long with the name of Hon'ble Court which passed the orders deemed as final.
- (v) Facts and circumstances denoting the position of instant case as similarly situated to that decided case which attained finality.
- (vi) Specific view of the Administrative Department to be incorporated in their proposal.

Scrutiny of all above cases to be recorded in the note of the Administrative Department along with the documentary evidence before sending the case to the Committee, for its final decision.

- 17 That the appellant placed the instructions of the Government of Punjab, Department of Finance issued vide letter No. 4/118/09/FPPC/575043-1, dated 28.08.2015 and also the Instructions of the Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training vide letter No. FNo. 18/03/2015-Estt (Pay-I), dated 02.03.2016 on the basis of the Judgment of the Supreme Court

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Appeal Case No. 1061 of 2024

of India passed in the case State of Punjab vs Rafiq Masih {(2015) 5 SCC 334}. These judgments never followed to decide the grievance of the appellant. The copies of these instructions are annexed at **Annexure C- XVIII and Annexure C- XIX.**

18.

The instructions shown in Para 16 above have been interpreted by the Hon'ble Judge S.M. Subramaniam of the Madras High Court in the WP(MD) no. 21633 of 2015, dated 19.06.2019: Subburaj v/s Accountant General, Assistant Treasury Officer and Chief Secretary Tamil Nadu. Duty of the State and Executive have been explained in Para 15 of this judgment are as under: -

“The State and the executive are duty bound to protect the tax payers’ and every penny spent must be accountable and any wastage of tax payer’s money is impermissible under the Constitution of India. With this perspective, this Court has to adopt a pragmatic approach to find out a solution to make good the financial loss occurs to the tax payers’ money. Undoubtedly, as per the legal principles settled by the Apex Court, the excess payment of salary cannot be recovered from Group III and Group IV employees as well as from the retired employees. However, those excess monetary benefits paid must be recovered from the officials, who had committed negligence, lapse or dereliction of duty in the matter of payment of excess monetary benefits to the employees and those officials are to be held responsible. That is the Rule of Law.

AND

The competent authorities of the State Government are the custodian of the tax payers’ money and they are the trustees. Thus, in the event of any lapse, negligence or dereliction of duty in the matter of payment of excess salary/pension to the employees, then all these officials must be responsible and liable for financial loss occurred to the State Exchequer.

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Appeal Case No. 1061 of 2024

This ruling of the Hon'ble court was never brought to he notices of the public authority and the competent authority for making the recovery from the defaulting officials in order to main the rule of law. This is the main deficiency of the department.

19. That the appellant informed by the AG(A&E) Pb vide its letter No. Pen2/N-21/05/06/1514-15, dated 17.03.2022 that the Internal Audit Organization of Punjab Govt had conducted the Audit of Secretariat Office and had reduced the pay of the appellant as per the Internal Audit Organization and the pay of the appellant has been refixed accordingly. So it was evident from the letter No.4218, dated 17.07.2007 that the pay of the appellant had been refixed by the department of the appellant and accordingly pensionary benefits have been authorized by the AG(A&E) Pb. This this office had not acted on its own but as per the recommendation of the department of the appellant. i.e. Pension sanctioning authority.

The AG(A&E) Pb requested the department of the appellant to review his pension case vide their letter no. Pen2/N-21/05-06/144-45, dated 26.05.2021 and Pen2/N-21/0-5-06/353-354, dated 15.09.2021. In response to this reply the office of the appellant (Financial Commissioners' Secretariat Punjab) vide it letter No. 13360, dated 15.11.2021 to the AG(A&E), Punjab that no recovery has been made from the basic pay after retirement and after final authorization of pension of the appellant. As regards the recovery official/officer for wrong pay fixation and overpayment fixation, the Department of the appellant (Financial Commissioners' Secretariat, Punjab) intimated that this is an administrative issue and no recovery has been made from him

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Appeal Case No. 1061 of 2024

From the above, it is clear that AG(A&E), Pb had not acted on its own regarding authorization of pensionary benefits on the basis of revised pay from Rs. 11320/- to Rs. 10980/- but as per the advice /recommendation of the department (Financial Commissioners' Secretariat).

The AG(A&E), Punjab sent the copy of the pay fixation order, dated 29.11.2006 issued vide endst No. 7232, dated 06.1.2.2006 and wrong pay fixation for reduction of pay after retirement vide orders ,dated 08.06.2007 and 02.09.2008 to the Deputy Secretary , Department of Revenue & Reh and Disaster Management, Punjab Civil Sectt, Chandigarh for further necessary action .

Perusal of it crystal clear reveals that the office mislead to the AG(A&E), Punjab/ Finance Department relating to recovery of Rs. 65,000/- done from the Gratuity of the appelland but it had not been shown in the gratuity order. The office got the approval of the FCR for withholding Rs65,000/- but it was not included in the Gratuity Order. As such, it is an intentional act of negligence to mislead to the Finance Department as well as to the AG(A&E), Punjab.

A copy of the letter No. Pen-2/N-21/0506/1514-15, dated 17.03.2022 is annexed at **Annexure C-XX**.

20. That the appelland drew the kind attention of the Book written by Shri N.Kumar Babu, Auditor Officer / Senior Lecturer of Dr. MCR HRD 1AP on on " Audit and Settlement of Audit objections" clarified as under:-

AUDIT PARA AND AUDIT REPORTS

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Appeal Case No. 1061 of 2024

“Audit report is not the judgment, it is the opinion of the Auditor basing on the records, GOs and Rules.”

The objection of the AG(A&E) raised in para No.2 above is not a judgement whereas the ruling of the Punjab and Haryana High Court shown in Para 13 above is a judgement applied upon the retirees under Rule 2.2 of CSR Vol.II.

It is the deficiency on the part of the Administration to conceal this and not to place before the authority for the redressal of the grievance of the appellant.

21 That withholding retiral benefits of the employees a sin, public functionaries obliged to be people oriented as per judgment of the Allahabad High Court mentioned in Para 5 and 6 of the judgment passed in Writ-A No. 12283 of 2023, dated 22.08.2023 as under: -

“5. Withholding retiral benefits of retired employees for years together is not only illegal and arbitrary but a sin if not a offence since no law has declared so. The officials, who are still in service and are instrumental in such a delay causing harassment to the retired employees must however feel afraid of committing such a sin. It morally and socially obnoxious. It is also against the concept of social and economic justice which is one of the founding pillars of our Constitution.

6. The respondent being “State” under Article 12 of the Constitution of India. Its officers are public functionary. Under our Constitution, sovereignty vests in the people. Every limb of the constitutional machinery, therefore, it obliged to be people oriented. Public Authorities acting in violation of constitutional or statutory provisions oppressively are accountable for their

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Appeal Case No. 1061 of 2024

behavior. It is high time that this Court should remind respondent that they are expected to perform in a more responsible and reasonable manner so as not to cause undue and avoidable harassment to the public at large and in particular their employees and their legal heirs like the petitioner. The respondents have the support of entire machinery and various powers of State. An ordinary citizen or a common man is hardly equipped to match such might of State or the instrumentalizes. Harassment of a common man by public authorities is socially abhorring and legally impermissible. This may harm the common man personally but the injury to the society is for more grievous. Crime and corruption, thrive and prosper in society due to lack of public resistance. An ordinary citizen, instead of complaining and fighting mostly succumbs to the pressure of undesirable functioning in offices instead of against it. It is on account of, sometimes, lack of resources or unmatched status which would give the feeling of helplessness. Nothing is more damaging than the feeling of helplessness. Even in ordinary matters, a common man who has neither the political backing nor the financial strength to match inaction in public oriented departments, gets frustrated and it erodes the credibility in the system. This is unfortunate that matters which require immediate attention are being allowed to linger on and remain unattended. No authority can allow itself to act in a manner which is arbitrary. Public administration no doubt involves a vast amount of administrative discretion which shields action of administrative authority but where it is found that exercise of power is capricious or other than bonafide, it is the duty of the Court to take effective steps and rise to occasion otherwise the

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Appeal Case No. 1061 of 2024

confidence of the common man would shake. It is the responsibility of Court in such matters to immediate rescue such common man so that he may have the confidence that he is not helpless but a bigger authority is there to take care of him and to restrain arbitrary and arrogant, unlawful in action or illegal exercise of power on the part of the public functionaries.

In view of it, the administration played an adverse role for providing justice to the aggrieved retired employee and as such it is a deficiency on the part of the administration under section 4 of the RTI Act,2005.

22. That a kind attention is drawn towards Para No. 29 of the Civil Appeal No. 8500-8501/2001, dated 25.08.2009 relating to adopt a procedure for providing justice to the aggrieved retired employee in the shape of office noting duly approved by the Hon'ble Governor as under: -

“A noting recorded in the file is merely a noting simpliciter and nothing more. It merely represents expression of opinion by a particular individual. By no stretch of imagination, such noting can be treated as decision of the Government. Even if the competent authority records its opinion in the file on the merits of the case under consideration. The same can not be termed as a decision of the Government unless it is sanctified and upon by issuing an order in accordance with Article 77(1) and (2) or Article 166(1) and (2). The noting in the file or even a decision gets culminated into an order affecting the rights of the parties only when it is expressed in the name of the President or the Governor, as the case may be, and authenticated in the manner provided in the Article 77(2) or Article 166(2). A noting or even a decision recorded in the file can always be reviewed /reversed/overruled or overturned and the Court cannot

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Appeal Case No. 1061 of 2024

take cognizance of the earlier noting or decision for exercise of power of the judicial review.”

In view of it, the Article 77(1) and (2) of the Constitution of India and Article 166(1) and (2) of the Constitution of India are submitted in order proceed accordingly for providing justice to the aggrieved retired employee as under:-

Article 77(1) and (2) of the Construction of India	Article 166(1) and (2) of the Constitution of India
<p>Article 77 of the Indian Constitution outlines the conduct of business of the Government of India. Specifically, Article 77(1) mandates that all executive actions of the Government of India must be expressed to be taken in the name of the President.</p> <p>Article 77(2) specifies that orders and other instruments made and executed in the President's name must be authenticated in a manner prescribed by rules made by the President. This authentication ensures the validity of such orders and prevents challenges based on the claim they weren't actually made by the President.</p>	<p>Article 166 of the Indian Constitution outlines the rules for conducting the business of a State Government. It specifies that all executive actions of the state must be expressed to be taken in the name of the Governor. Additionally, it mandates that orders and other instruments made and executed in the Governor's name must be authenticated according to rules established by the Governor. Furthermore, the Governor is responsible for creating rules for the efficient transaction of state business and allocating responsibilities among ministers, excluding matters where the Governor acts at their discretion.</p>

23. That Public Information Officer admitted to this fact no legal opinion for fixation of pay after retirement to reduce the pay from Rs. 11320/- to Rs. 10980/- from the Legal Remembrancer, Punjab had been taken as conveyed vide Memo. No. 14/04/2005-

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Appeal Case No. 1061 of 2024

4-Admn-3/PF/19878, dated 13.12.2013. The then Public Information Officer did not provide the copy of the Rule of PFR as prayed for him. The appellant have already provided a number of times the copy of the Rule 2.33 of Punjab Financial Rules Vol.I and the Appendix -I of this rule related to it but it was never kept in view to take a decision in the matter and placed before the Public Authority. The copies of the rule 2.33 of PFR Vol.I and Appendix- I(Referred to Rule 2.33) are annexed at

Annexure C-XXI and C-XXII.

24. That Para 18 of this submission of deficiencies have not been considered at all in the office notings to get the approval of the Public /Competent Authority. As such the facts have been concealed in the office notings. This act of negligence for concealment of facts covers under para No. 15 of the judgments passed in W.P.Mo.17748(W) of 2018, dated 20.09.2018{ Bhariguram De v/s State of West Bengal and others which is as under:-

“According to Law Lexicon, third Edition (2012), the Latin maxim “ Suppressio very, Suggestio falsi” defines that the suppression of the truth is equivalent to the suggestion of false- hood. The Suppression or failure to disclose what one party is bound to disclose another, may amount to fraud. Where a person found to be guilty to suppression very suggestion falsi for having concealed material information for scrutiny of the Court. He is not entitled for any equitable relief under order 39 of the CPC (5 of 1908) [Arvind Kumar pal v/s Hazi Md Faizullah Khan, AIR 2007(NOC) 1035(Pat): (200601BLJR 430)].

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Appeal Case No. 1061 of 2024

24. That in the end, it is prayed a that a office noting to provide the justice to the appellatant keeping in view Section 4(1)(b) of the RTI ,2005 and orders passed thereon as the period of more than 19 years has already been passed. This implementation is to be got done under Para 26 and 27 of W.P.No.990/2021[Kishan Chand Jain v/s Union of India], dated ,17.08.2023 which are as under:-

“26.for the reasons state above, we direct that the Central Information and State Information Commission shall continuously monitor the implementation of the mandate of section 4 of the Act as also prescribed by the Department of Personnel and Training in the guidelines and Memorandums issued from time to time. The directions will also include instructions under O.M., dated 7.11.2019 issued by the Department. For this purpose, the Commissioners will also be entitled to issue recommendations under Sub section 95) of section 25 to Public Authorities for taking necessary a step for complying with the provisions of the act.

27. The Writ Petition(C) 990/2021is disposed of with the direction to the Central Information Commission and the State Information Commissions to ensure proper implementation of the mandate of Section 4 of the Act, by following the directions as indicated above.”

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Appeal Case No. 1061 of 2024

6. Also, the appellant while making the submissions contended that his pay be re-fixed as Superintendent Grade-I from 04.03.2004 instead of 01.07.2004 as per the benefits given to Sh. Gurinder Singh in accordance with the decision given by the Hon'ble Punjab and Haryana High Court in CWP No. 20821 of 2008-Gurinder Singh vs. State of Punjab.

7. Also, the appellant made the submissions referring the orders passed by my predecessor in Appeal Case No. 3318 of 2021 and 3355 of 2021 dated 08.11.2021, the relevant portion of which is as follows:

“However, considering the main concern of the appellant that his pay/pension cannot be reduced in accordance with the Punjab Government instructions/Judicial pronouncements, the same are being sent to the Financial Commissioner Revenue with an advice to look into the matter and take appropriate action as per the law/rules/government instructions preferably after giving a personal hearing to the appellant and by passing a speaking order. A copy of the judicial pronouncement/Government instructions and the other material document submitted by the appellant in support of his claim are also being sent to the Financial Commissioner, Revenue along with this order. With these observations the case is disposed of and closed.”

8. In light of the orders, the appellant also contended that he has neither given an opportunity for personal hearing nor passed any order by the Government although the specific directions were given.

9. After going through the submissions made by the parties, no further directions can be given to the respondent Public Authority as per the provisions of the RTI Act, 2005. But it is also a fact that the appellant is a retired officer and in the interest of natural justice, he may be given an opportunity of a personal hearing regarding his pay fixation and pass the speaking order as this is not the right forum to deal with. As such, a copy of this order is **being sent** to Financial Commissioner (Revenue), Punjab, to look into the matter and take appropriate action as per the procedure established by Law.

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Appeal Case No. 1061 of 2024

10. Accordingly, the case is **disposed of & closed.**

Dated: 25.02.2026

(Inderpal Singh)
Chief Information Commissioner,
Punjab

CC:

Sh. Anurag Verma, IAS
Financial Commissioner (Revenue), Punjab
Punjab Civil Secretariat-1,
Chandigarh