



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No. 110)

**CWP No.8322 of 2024
Date of decision: 06.09.2024**

Mohinder Kumar @ Mahender Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Johan Kumar, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl. A. G., Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

(1) On 22.04.1982, the petitioner was appointed as a Patwari in the Irrigation Department, Haryana. On attaining the age of superannuation, he retired from service as a Patwari on 30.10.2006.

(2) In the year 2022, through CWP No.1734 of 2022 the petitioner knocked the doors of this Court seeking revised pension in terms of the Haryana Civil Services (Revised Pension) Part-II Rules, 2009 (for short - 2009 Rules) as also the benefits under the amendment made to the 2009 Rules through the notification of the State of Haryana dated 25.08.2014. Such benefits had been denied to him in terms of Rule 8(3) of the 2009 Rules as per which the benefits sought by the petitioner could not be given to the employees who had retired post 01.01.2006.

(3) On 02.02.2022, CWP No.1734 of 2022 filed by the petitioner was sought and got withdrawn with liberty to file a fresh petition with better



particulars. Thereafter, the petitioner filed the instant petition through which not only did he make a claim as above but also challenged the vires of Rule 8 (3) of 2009 Rules.

(4) At the outset, learned counsel for the petitioner restricts his claim to the benefits under the 2009 Rules and gives up his claim made by him under the amendment of the State to the 2009 Rules through notification dated 25.08.2014.

(5) Once the petitioner has restricted his claim only to the grant of revised pension under the 2009 Rules and does not seek benefit under the notification of the State dated 25.08.2014, learned counsel for the parties are *ad idem* that the petitioner's restricted claim is covered in his favour in terms of the following paragraph of the judgment dated 19.07.2024 rendered by a Full Bench of this Court in a bunch of petitions in which the lead case was ***CWP-17310-2015 – Shamsher Singh and others Vs. State of Haryana and others:-***

“41. Consequently, Rule 8(3) of Part-II Rules, 2009 is held to be violative of Articles 14 and 16 of the Constitution of India and is accordingly struck down. All the employees who were in service as on 01.01.2006, will be entitled for the benefit of Part-II Rules, 2009 notified on 17.04.2009 irrespective of the fact whether they retired before the Notification dated 17.04.2009 or thereafter.”

(6) In the light of the above, in terms of the law laid down in ***Shamsher Singh's*** case (supra), the petitioner is held entitled but only to the benefits under the unamended 2009 Rules, with all consequential benefits. However, the arrears are restricted to 38 months prior to filing of his petition filed in the year 2022.



(7) Since the claim in the present petition pertains to the grant of pension, the State is directed to comply with the directions given through this order within three months.

(8) The petition is allowed in above terms.

(DEEPAK SIBAL)
JUDGE

06.09.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No