



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.103

LPA-598-2021

Date of decision : 30.08.2024

Nand Kishore Sharma and others

..... Appellants

Versus

State of Haryana and others

..... Respondents

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

Present : Mr.Naveen Kumar, Advocate, for
 Mr.K.L.Arora, Advocate, for the appellants.

Mr.Sanjeev Kaushik, Addl.A.G., Haryana.

* * * * *

DEEPAK SIBAL, J. (Oral)

(1) Between the years 1967 and 1972, the appellants joined as Lecturers in Government aided colleges in the State of Haryana and in the year 2006, on attaining the age of superannuation, retired as Associate Professors.

(2) Though the appellants seek revised pension in terms of the Haryana Civil Services (Revised Pension) Part-II Rules, 2009 (for short – 2009 Rules) and the benefits under the amendment made to the 2009 Rules through notification dated 25.08.2014, at the time of hearing, learned counsel for the appellants restricted his claim only to the grant of revised pension under the 2009 Rules.

(3) Once the appellants have restricted their claim only to the grant of revised pension under the 2009 Rules, learned counsel for the parties are at *ad idem* that the appellants' claim is covered in their favour in terms of the following paragraph of 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.”

- (4) In the light of the above, the appellants are held entitled only to the benefit under the Haryana Civil Services (Revised Pension) Part-II Rules, 2009 along with all consequential benefits.
- (5) The appeal is allowed in above terms.

[DEEPAK SIBAL]
JUDGE

30.08.2024
shamsher

[DEEPAK MANCHANDA]
JUDGE

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