

**(1)CM-4980-CWP-2023 in/&
CWP- 7695-2021 &**

-1- 2023:PHHC:138065

**(2)CM-16892-CWP-2023 in/&
CWP-12638-2022**

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

**104+241 (02 cases) (1)CM-4980-CWP-2023 in/&
CWP-7695-2021
Date of Decision : October 30, 2023**

Kulwinder Singh ...Petitioner

Versus

State of Haryana and others ... Respondents

**(2)CM-16892-CWP-2023 in/&
CWP-12638-2022**

Mohan Lal Kochar ...Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present: Mr. Joginder Sharma, Advocate for
Mr. Surinder Gandhi, Advocate for the petitioner(s).**

Mr. Tapan Yadav, DAG, Haryana

Ms. Swati Dayalan, Advocate for respondent No.2.

**Mr. Pritam Saini, Advocate for respondents No.4 and 6.
in CWP-12638-2022 & for respondent No.3
in CWP-7695-2021.**

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Harsimran Singh Sethi, J. (Oral)

CM-4980-CWP-2023 & CM-16892-CWP-2023

As prayed for, applications are allowed.

Replications to the written statements filed in the respective writ petitions are taken on record

Main cases

1. Short reply filed on behalf of respondent No.2 in the Court today is taken on record.
2. By this Common order, above mentioned two writ petitions, details of which have been given in the headnote are being disposed of as both writ petitions involve the same question of law on similar facts.
3. For the purpose of this order, facts are being taken from CWP-7695-2021.
4. The claim raised in the present petition is that the petitioners are entitled for the grant of benefit of honorarium as allowed by the respondents vide policy dated 24.12.2020.
5. From the facts brought on record, it transpires that the petitioner was initially appointed in the Haryana State Minor Irrigation & Tubewells Corporation, on the post of Steno-typist in the year 1978. The State Government decided to close the said corporation and the petitioner was retrenched from service w.e.f. 30.06.2002. Subsequently, in the year 2006, a decision was taken by the State Government to adjust the retrenched

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employees of various boards/corporations and keeping in view the said decision, the petitioner was adjusted in the Labour department, Gurugram on 20.10.2006. Immediately upon appointment, the petitioner was transferred from Gurugram to Panipat but vide order dated 10.11.2006, soon after joining the post in Panipat, the petitioner abandoned the job and did not perform the duties thereafter.

6. On 24.12.2020, the State Government issued a policy as per which, the retrenched employees, who were adjusted in the various Government institutions, in case they are not getting pension, they will be granted benefit of honorarium. The claim of the petitioner is that as the petitioner was also retrenched from the office of Haryana State Minor Irrigation & Tubewells Corporation and was later on adjusted in the Labour department in the year 2006 hence, keeping in view the policy dated 24.12.2020, the petitioner is also entitled for the grant of benefit of honorarium.

7. Upon notice of motion, the respondents have filed reply wherein, it has been mentioned that a policy has been issued by the Government of Haryana on 24.12.2020 for the grant of honorarium to the retrenched employees, who are not getting pension but the said benefit is to be granted on certain terms and conditions and as per said conditions, if any employee after being readjusted, resigns or abandons the job, he/she is not entitled for honorarium. Said conditions of the policy has been reproduced in paragraph-3 of the reply dated 27.07.2021 filed on behalf of respondent

No.3.

8. Learned counsel for the petitioners has not been able to dispute the said factual aspect.

9. I have heard learned counsel for the parties and have gone through the record with their able assistance.

10. The only question which arises for determination is whether the petitioner is entitled for the grant of benefit of honorarium under the policy dated 24.12.2020 or not. Clause IV and VI of the said policy are reproduced as under for ready reference:-

“Condition No.IV. The retrenched employees of HSMITC who are adjusted in other department and are presently working shall be entitled for this scheme after their retirement.

Condition No.VI

The retirement employee who was adjusted in pursuance of the notification dated 21.06.2006 and but not joined or resigned from the service on any ground during his service tenure would not be entitled for honorarium.”

11. A bare perusal of the above reproduction would show that the said benefit of honorarium under the policy dated 24.12.2020 is maintainable only in case an employee retires from the Government job and is not getting pension. Further, a retrenched employee, who did not join or resigned from service upon adjustment in a Government department will not be entitled for the grant of benefit of honorarium.

12. In CWP-7695-2021, though, the petitioner joined the job after being adjusted in the year 2006 but abandoned the same immediately within

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a period of one month of joining upon being transferred hence, he never retired from service.

13. With regard to the petitioner in CWP-12638-2022, the petitioner never accepted the job offer in the Government department on the ground that he was offered the post which was not commensurate with the post on which the petitioner was appointed in the earlier institution.

14. That being the factual position, the claim of the petitioners for the grant of benefit of honorarium is not covered under the policy concerned as they never retired from the Government service upon being offered job after retrenchment, rather they either did not join the job or abandoned the same.

15. Keeping in view the facts and circumstances noticed hereinbefore, no ground for interference by this Court is made out and both the writ petitions are accordingly dismissed.

16. Civil Miscellaneous application pending, if any is also disposed of.

17. Copy of this order be placed on the files of connected case.

October 30, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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