



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

238

CWP-20999-2017 (O&M)
Date of decision: 05.09.2024

Lal Chand Verma

....Petitioner

Versus

State Of Haryana and others

...Respondents

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

Present: Mr. Ashwani Gaur, Advocate
for the petitioner.

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

DEEPAK SIBAL, J.(ORAL)

1. On 23.11.1971, the petitioner was appointed as a Lecturer in Chemistry. Thereafter, he joined the Excise and Taxation Department, Haryana from where, on 30.06.2006, on attaining the age of superannuation, he retired from the post of Additional Excise and Taxation Commissioner.

2. In the year 2017, 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). He also claimed 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 the petitioner in terms of Rule 8(3) of the 2009 Rules as per which the benefits claimed by the petitioner could not be given to the employees who had retired post 01.01.2006.



3. At the outset, learned counsel for the petitioner restricts his claim only to the benefits under the 2009 Rules and gives up his claim under the amendment dated 25.08.2014.

4. Once the petitioner has restricted his claim only to the grant of revised pension under the 2009 Rules, 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 stuck 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.”

5. 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.

6. 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.

7. The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

05.09.2024

Sapna

(DEEPAK MANCHANDA)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No