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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

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Date of Decision: 06.08.2025.

(1)

CWP-16483-2018 (O&M)

S.P SOOD

... Petitioner

V/S

STATE OF HARYANA AND OTHERS

... Respondents

(2)

CWP-3132-2020 (O&M)

VINOD KUMAR ARORA AND ORS

... Petitioner

V/S

STATE OF HARYANA AND OTHERS

... Respondents

(3)

CWP-3473-2020 (O&M)

VED PARKASH GOEL

... Petitioner

V/S

STATE OF HARYANA AND OTHERS

... Respondents

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(4)

CWP-5932-2023 (O&M)

RAJ KUMAR GOYAL

... Petitioner

V/S

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

PRESENT: Mr. Amit Bansal, Advocate, with
Mr. Ashutosh Kaushik, Advocate,
for the petitioner in CWP-16483-2018.

Mr. Karan Bhardwaj, Advocate,
Mr. Pardeep Kumar, Advocate,
Mr. Ishaan, Advocate,
Mr. Amtiaz Sandhu, Advocate, and
Mr. V.P Goel, Advocate,
for the petitioner(s) in CWP-3132-2020,
CWP-3473-2020 and CWP-5932-2020 with
Petitioner-in-person in CWP-3473-2020.

Mr. Rahul Dev, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J (ORAL)

Involving identical issues, the present batch of writ
petitions are being decided by a common judgment.

2 Succinctly, the facts are being extracted from **CWP-
3473-2020** titled as ‘**Ved Parkash Goel Vs. State of Haryana
and others.**’

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3 Seeking directions to re-fix the monthly basic pension of the petitioner w.e.f. 01.09.2009 at par with his other post 01.09.2009 pensioner colleagues, by notionally fixing his pay as per upward revised/modified pay scales of “Engineers” in the Public Works Department of the State of Haryana, the instant writ petition has been filed.

4 The facts of the case are that the petitioner joined the respondent Irrigation Department as an Assistant Engineer in the year 1975 on being selected by the Haryana Public Service Commission (for short ‘HPSC’). He was promoted to the post of Executive Engineer and he superannuated as such on 28.02.1999. He was working in the pay scale of Rs.4100-5300 w.e.f. 01.05.1989 which was revised to Rs.12000-16500 w.e.f. 01.01.1996 despite the corresponding pay scale to the scale of Rs.4100-5300 being the pay scale of Rs.13500-17250. Since the pay of the petitioner was not corresponding with the basic pay which was being drawn by the petitioner, hence CWP No.187 of 2011 was filed by the petitioner for grant of the corresponding pay scale to the pay earlier being drawn by him. The petitioner succeeded in the same whereupon the benefit of pay scale of Rs.13500-17250 was released to him. It is also undisputed that the judgment passed in CWP-187 of 2011 was challenged up to the Hon’ble Supreme Court and had attained finality, and that all such challenges resulted in dismissal.

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5 It is submitted that w.e.f. 01.09.2009, the State of Haryana further revised the pay scales of Engineers of Public Works Department vide Finance Department Notification dated 19.08.2009 made effective from 01.09.2009. As per the revised corresponding pay scale, the petitioner was entitled to the pay scale of Rs.37,400-67,000+ Grade Pay. It is thus contended that the petitioner became entitled to fixation of his pension in the pay scale which was extended to the Engineers by the respondent-State of Haryana on 01.09.2009 i.e. in the pay scale of Rs.37400-67000 and as per Rule 6 (1) of the Revised Pension Rules, 2009, mandates that pension should not be less than 50% of minimum of the pay of the pay scale in the running band and grade pay attached to the revised pay scale corresponding to the pay scale from which the employee retired.

6 Various similarly placed persons approached this Court and a bunch of writ petitions were allowed by this Court vide **judgment dated 25.07.2012 passed in CWP No.19266 of 2010 titled as Satyapal Yadav and another Vs. State of Haryana and another.**

7 Letters Patent Appeal (LPA) No.1955 of 2012 titled as State of Haryana and another Vs. Satyapal Yadav and another' was dismissed by a Division Bench of this Court vide judgment dated 14.01.2013.

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8 Learned counsel contends that the said orders have already attained finality and once Rule 6 (1) of the Revised Pension Rules, 2009, clearly incorporates that pension cannot be less than 50% of minimum of the pay of the pay scale in the running band and grade pay attached to the revised pay scale corresponding to the pay scale from which an employee retired, hence, the said benefit ought to have been extended to the petitioner.

9 Learned counsel for the respondent-State, on the other hand, submits that even though it is not disputed that the pay scale of the petitioner was placed in the pay band of Rs.37400-67000+AGP Rs.9000 Grade pay, however, it is submitted that the petitioner retired from the post of Executive Engineer on 28.02.1999 and he was granted the pay scale of Rs.13500-17250 w.e.f. 01.01.1996 as per the orders passed by this Court on 09.07.2012 in CWP No.187 of 2011.

10 It is submitted that the petitioner is praying pension in the pay band 4 which is meant for the post of Superintending Engineer and since the petitioner retired as an Executive Engineer, hence, his pension cannot be fixed in the pay band of Superintending Engineer.

11 I have heard the learned counsel appearing for the respective parties as well as Mr. Ved Parkash Goel, petitioner

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appearing in person and have also gone through the documents appended along with the present petition.

12 While the factual aspects are not in dispute and it is also not in dispute that the petitioner was drawing pay in the pay scale of Rs.13500-17250 w.e.f. 01.01.1996 which such pay band was revised to Rs.37400-67000, hence, the objection taken by the respondents that said pay band being applicable to the Superintending Engineer and the petitioner having retired as an Executive Engineer, to deny the benefit is not sustainable. The pension is being determined on the basis of the last pay that was being drawn by an employee and is not dependent on the post being held by him. Once the pay scale is not in dispute, the respondents cannot submit that even though the employee was drawing salary in higher pay scale and is entitled to pay in the corresponding pay band, however, as he was serving on a lower post, the aspect of the last pay scale would be ignored and the pension would be fixed in the pay band as would be applicable to an officer of the same rank.

13 The respondent-State is not disputing the corresponding pay scale of the petitioner and the salary being drawn by him. The rules do not prescribe that the pension has to be calculated on the basis of pay band applicable to the rank held by an individual, rather, the rules contemplate that the pension has to

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be minimum 50% of the pay scale at which an employee is drawing his salary.

14 The petitioner retired prior to 01.09.2009 in the pay scale of Rs.13500-17250 which was revised to PB-4 (37400-67000). The pensioners being one single class and having been so held by the Hon'ble Supreme Court in the authoritative pronouncement in the matter of D.S. Nakara Vs. Union of India, reported as (1983) 1 SCC 305, the petitioner cannot be differentiated from the employees who retired after 01.09.2009. Such benefit was extended to similarly placed employees in the matter of *State of Haryana and another Vs. Satyapal Yadav and another (supra)*. Hence, the respondents are liable to disburse pension to the petitioner, by calculating the said benefits in the corresponding pay scale and in terms of Rule 6 (1) of the Haryana Civil Services Revised Pension Rules, 2009.

15 Let the needful be done by the respondents within a period of 03 months of the receipt of certified copy of this order and the revised pensionary benefits be released to the petitioner within a further period of 02 months.

16 The benefits be released along with interest @ 5% per annum. In case the said pensionary benefits are not released within the period as aforesaid, the petitioner shall become entitled to interest @ 7.5% per annum from the date of institution of the

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present writ petition, which such additional financial liability may be recovered by the State from the erring official/officials responsible for delay in decision making.

17 The present writ petitions stand disposed of in above terms.

18 Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

19 A photocopy of the order be placed on the connected file(s).

August 06, 2025.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No