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

**CWP-7681-2021(O&M)
Date of decision : 28.10.2025**

Satvinder Kaur

...Petitioner

Versus

Punjabi University and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH
NALWA**

Present: Mr. Vikas Singh, Advocate for the petitioner.

Mr. Sangeet Pal Singh, Advocate for the respondents.

DEEPINDER SINGH NALWA, J. (Oral)

In the present writ petition, the petitioner is praying for issuance of a writ in the nature of mandamus directing the respondents to grant pension and other retiral benefits to the petitioner under the Old Pension Scheme and not under the New Pension Contributory Fund Scheme.

2. The brief facts of the case are that late Narinder Pal Singh, husband of the petitioner, was working on the post of Junior Technical Assistant in the Punjabi University (hereinafter to be referred as 'the University'). Unfortunately, he died while in service on 13.08.2009. The petitioner submitted an application for appointment on compassionate grounds, which was duly accepted by the University and petitioner was appointed on compassionate grounds initially on adhoc basis on the post of Clerk vide order dated 03.08.2010 (Annexure P-1).

Thereafter the petitioner was appointed on regular basis on the post of



Clerk vide order dated 02.12.2010 (Annexure P-2) w.e.f. 22.11.2010. However, the abovesaid order (Annexure P-2) was cancelled and the appointment of the petitioner was extended on adhoc basis from 04.08.2010 to 03.08.2011. After passing Punjabi at Matric level, service of the petitioner was again regularized vide order dated 10.06.2011 (Annexure P-3). Subsequently, the petitioner was promoted on the post of Junior Assistant on 19.05.2016 and thereafter, promoted on the post of Senior Assistant. On attaining the age of superannuation, the petitioner retired from service on 31.03.2020. After retirement, the petitioner approached respondent- University number of times for grant of pension and other retiral benefits but the same were not released. It was also the case of the petitioner that her case be considered under the Old Pension Scheme. Aggrieved against the aforesaid inaction of the respondent-University in not releasing the retiral benefits, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submits that although, the petitioner has rendered service of 09 years, 07 months and 28 days, the same may be treated as 10 years and, as such, petitioner would be entitled for grant of pension. Reliance has been placed upon Division Bench judgments in ***Surjit Singh Vs. Central Administrative Tribunal, Chandigarh Bench, Chandigarh and others, 2011(17) SCT 937*** and ***State of H.P. through Principal Secretary (Health) and others Vs. Joginder Singh, 2012 (30) SCT 148***. He further submits that except CPF, the respondents have also not released Gratuity.



4. On the other hand, learned counsel for the respondents submits that as the petitioner does not have 10 years of service, as such, she is not eligible for grant of pension. He further submits that in fact the Gratuity and CPF have been released to the petitioner. In this context, he has referred to para 7 of the written statement.

5. I have heard learned counsel for the parties at length.

6. A perusal of the facts of the case would show that there is no dispute that in order to become eligible for grant of pension, an employee has to complete 10 years of service. It is an admitted fact that petitioner does not have 10 years of service to her credit. In regard to the contentions raised by learned counsel for the petitioner, that although the petitioner has rendered continuous service of 09 years, 07 months and 28 days and the same should be treated as 10 years is concerned, no rule has been brought to the notice of this Court that service of 09 years, 07 months and 28 days can be treated as 10 years for the purpose of grant of pension. As far as reliance to the aforesaid judgments relied by learned counsel for the petitioner is concerned, a perusal of the same would show that there was a clarification issued by the Competent Authority in the abovesaid cases to an extent that benefit of rounding off for qualifying service of more than 03 months into a completed 06 months was provided and on the basis of abovesaid clarification, it was held that petitioner therein had completed 10 years of service and was granted pension. A perusal of aforesaid judgments would show that the abovementioned cases were decided on the basis



of clarification. As such, the judgments cited by learned counsel for the petitioner will not be applicable in the case of petitioner.

7. In regard to the contention raised by learned counsel for the petitioner for grant of gratuity is concerned, it is the specific case of learned counsel for the respondents that the gratuity has already been released to the petitioner.

8. Taking into consideration the facts of the case, this Court finds that as the petitioner has not completed 10 years of service, as such, she will not be entitled for grant of pension. However, the petitioner is at liberty to file a representation before the respondent-University for release of her gratuity. In case, gratuity has not been released to the petitioner till date, the same shall be released by the respondent-University within a period of one month from the date of filing of the representation by the petitioner.

9. The writ petition is disposed of in the aforesaid terms.

10. Pending application(s), if any, shall also stand(s) disposed of.

28.10.2025	(DEEPINDER SINGH NALWA)	
<i>d.gulati</i>	JUDGE	
Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No