



CWP-9145-2025

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

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CWP-9145-2025

Date of Decision: 05.05.2025

Jaipal Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

Present: - Mr. Vinod K. Kaushal, Advocate for the petitioner

Ms. Rajni Gupta, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 15.01.2025 (Annexure P-1) whereby respondent has denied him invalid pension.

2. The petitioner joined Haryana Police Force as Constable. He was declared completely and permanently incapacitated for further service in Police Department vide order dated 16.11.1976. He filed representation dated 22.09.2021 before the respondent claiming invalid pension. Getting no response from the respondent, he approached this Court by way of *CWP No.17780 of 2022*. The said petition was disposed of by way of order dated 30.08.2022 with a direction to the respondent to address his representation by passing a speaking order. The respondent by order dated 19.10.2022 rejected his claim. He preferred *CWP No.26123 of 2022* before this Court assailing order dated 19.10.2022. The said petition was disposed of vide



order dated 03.05.2024 with a direction to respondent to consider as to which Rule would be applicable with respect to petitioner whose admitted tenure of service as a Constable in the State of Haryana was from April' 1973 to November' 1976. The respondent by impugned order dated 15.01.2025 has rejected his claim.

3. Learned counsel for the petitioner, on the asking of Court reason of delay, submits that it is a case of invalid pension, thus, there is recurring cause. No third party right is involved and financial stake of the petitioner is involved. He further submits that the petitioner was governed by Civil Service Rules, thus, is entitled to invalid pension. The respondent has wrongly invoked Rule 9.9 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short '**PPR Rules**').

4. The respondent has rejected petitioner's claim for invalid pension while relying upon Rule 9.9 of PPR. The said Rule is reproduced as below: -

"9.9 Invalid pensions.-

An invalid pension proportionate to the length of service is awarded to a police officer who by bodily or mental infirmity is permanently incapacitated for further service in the police. If the incapacity is directly due to irregular or intemperate habits, no pension can be granted. If it has not been directly caused by such habits but has been accelerated or aggravated by them, it will be for the authority by whom the pension may be granted to decide what reduction should be made on this account (Articles 441, 454 and 474, Civil Service Regulations). If the length of the invalid's service is less than ten years a gratuity only will be admissible. [Article 474 (a), Civil Service Regulations]. Superintendents are required to be on their guard against endeavours to retire on



invalid pension by officers who are capable of serving longer.”

5. From the perusal of afore-cited Rule, it is evident that police official is entitled to invalid pension proportionate to his length of service if the incapacity is not directly due to irregular or intemperate habits. If the length of service is less than 10 years, police official is entitled to only gratuity. Concededly, the length of petitioner's service was less than 10 years rather it was even less than 5 years, thus, as per aforesaid Rule, he was entitled to gratuity which stands paid to him.

6. The petitioner was part of Haryana Police Force. His appointment was in terms of PPR which is a complete Code governing service of police officers of subordinate ranks. Civil Service Rules could be applicable had PPR been silent *qua* the issue involved. Rule 9.9 of PPR specifically adverts to invalid pension, thus, there is no question to rely upon Civil Service Rules. Even if Civil Service Rules are applied, the conditions jotted down in Rule 9.9 of PPR cannot be ignored, otherwise, Rule 9.9 would become otiose.

7. There is another aspect of the matter which needs to be examined. The petitioner was declared invalid in 1976 and he filed representation before authorities seeking invalid pension in 2021. No doubt in the earlier round of litigation, this Court directed respondent to consider his claim in a time bound manner, however, it does not mean that question of delay and laches should be ignored. The claim of petitioner is not based upon a Rule which was inserted within last few years whereas applicable Rules were in force at the point of time when he was declared invalid. There is no explanation for inordinate delay of more than four decades.



8. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

05.05.2025
Mohit Kumar

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