

2025:PHHC:071679-DB



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

(223)

CWP-9048-2024 (O&M)

Decided on: 26.05.2025

Ranjeev Kumar Vishisht & others

.....Petitioner(s)

Versus

State of Punjab & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR.JUSTICE SUMEET GOEL**

Present:- Mr.Arav Gupta, Advocate
Mr.Apoorva Kinra, Advocate
Ms.Sonia Kinra, Advocate
Mr.Harsh Kinra, Advocate, for the petitioner (s).

Mr.R.S.Pandher, Addl. A.G., Punjab
Mr.Salil Sablok, Senior Deputy Advocate General, Punjab.

Mr.Anurag Goyal, Advocate, for respondent No.5.

Sheel Nagu, Chief Justice (Oral) :

The present petition has been filed by the serving 23 Judicial Officers, except petitioner no.2 who has since retired. All the petitioners are members of the Higher Judicial Service - State of Punjab and despite their recruitment process having commenced prior to 01.01.2004 (in July, 2003), the petitioners are being covered by the New Defined Contributory Pension Scheme which came into effect from 01.01.2004.

2. During the pendency of this petition, this Court made certain interim directions. Thereafter, the State of Punjab, today, has drawn our attention to the recent notification dated 22.05.2025 published in the State of Punjab Gazette (Extraordinary) on 23.05.2025, which is to the following extent:

“PART-111
GOVERNMENT OF PUNJAB
DEPARTMENT OF FINANCE
(FINANCE PENSION POLICY AND COORDINATION)
NOTIFICATION
The 22nd May, 2025

No.G.S.R.34/Const./Arts. 309 and 187/Amd.(11)/2025.- In exercise of the powers conferred by the proviso to article 309 read with clause (3) of article 187 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Punjab, after consultation with the Speaker of the Punjab Vidhan Sabha, in so far as such consultation is necessary under the aforesaid provisions, is pleased to make the following rules further to amend the Punjab Civil Services Rules, Volume-1, Part-1, namely:-

RULES

1. (1) These rules may be called the Punjab Civil Services (Amendment) Rules, Volume-I, Part-1, 2025.

(2) They shall come into force at once.

2. In the Punjab Civil Services Rules, Volume-I, Part-1, in rule 1.2, in sub-rule (1), after the existing proviso, the following provisos shall be added, namely:-

"Provided further that the rules in Part 1- Pensions and Part II-Provident Fund contained in Volume-II of these rules called the Punjab Civil Services Rules, Volume-II, shall also apply to the Government employees who are appointed to the posts mentioned in categories (1) to (5) above on or after the 1st January, 2004, but whose posts or vacancies were advertised for recruitment before 1st January, 2004.

Provided further that the rules in Part 1-Pensions and Part II-Provident Fund contained in volume-II of these rules called the Punjab Civil Service Rules, Volume-II, shall also apply to the Government employees who have been appointed on compassionate grounds on or after 1st January, 2004 but where the request by the legal heir for appointment was received before 1st January, 2004 and the concerned legal heir had fulfilled the eligibility criteria i.e. age, education qualification; or any other requirement required for that post before 1st January, 2004.

Provided further that such employees recruited on or after 1st January, 2004, shall have an option either to opt for the Old Pension Scheme or New Defined Contributory Pension Scheme. In case the employee does not exercise the option within three months from the date of publication of the Punjab Civil Services (Amendment) Rules, Volume-I, Part-1, 2025, such employee shall be deemed to have opted for the New Defined Contributory Pension Scheme.

KRISHAN KUMAR,
Principal Secretary to Government of Punjab,
Department of Finance.”

3. The said extract of the Gazette is taken on record as Annexure ‘X’.
4. Learned counsel for the State of Punjab submits that if the Old Pension Scheme is allowed to be opted for, by the petitioners and all other similarly placed members of the Higher Judicial Services of the State of Punjab and as well as members of District Judiciary, within 3 months counted from 23.05.2025, such judicial officers shall be covered by the Old Pension Scheme, or else, if no option is made, they would be deemed to have opted for the New Defined Contributory Pension Scheme.
5. In view of the above changed circumstances, this Court does not wish to continue with this petition and disposes of the same, with a direction that if the options are submitted by the Members of the Superior Judicial Services and members of District Judicial Services of the State of Punjab within 3 months counted from 23.05.2025, then the State of Punjab shall take appropriate steps, as per the Old Pension Scheme under the Punjab (Unamended) Pension Rules, within a period of 60 days from the last date of receipt of options.

6. For expediting the process of submission of options, the Registrar General of this Court is directed to ensure communication of the order of this Court passed today to all members of the Punjab High Judicial Services and of District Judiciary so that maximum members of such persons can take advantage of the Old Pension Scheme.
7. Registrar General of this Court is also directed to circulate this order to all the employees of this High Court, the employees of the District Courts as well as District Judicial Officers and members of Punjab Superior Judicial Service, so that maximum members/persons can take advantage as extended.
8. Learned Additional Advocate General, Punjab submits that costs of Rs.5000/-, as directed vide order dated 22.04.2025, has been deposited on 23.05.2025.
9. With the above-said directions, the present writ petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

26.05.2025
Sailesh

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No