



CWP-12372 of 2023

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234 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12372 of 2023

Date of Decision: December 10, 2025

Satya Parkash Sharma

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: - Mr. R. S.Mamli, Advocate
for the petitioner.Ms. Nikila Goel, Advocate
for respondent Nos. 2 to 5.

Mr. Saurabh Girdhar, AAG., Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present writ petition has been filed under Articles 226/226 of the Constitution of India for issuance of writ in the nature of certiorari for quashing the Memo No.3978 dated 02.05.2023 (Annexure P-13) whereby respondents had asked for recovery of the amount from the petitioner and further to grant the appropriate pension and other consequential benefits to the petitioner.

2. Learned counsel for the petitioner submits that the petitioner had retired on 31.10.2007 and his pension was fixed in terms of the Rule 5.24 of Civil Service Rules, Volume-II. The petitioner continued to draw his pension as per Pension Payment Order. However, on 12.01.2021 the petitioner's pension was revised w.e.f. 01.01.2016 in complete violation of Rule 78 of the Haryana

Civil Services (Pension) Rules, 2016. Learned counsel for the petitioner has placed reliance on the judgment passed in **R.K. Aggarwal and others Vs. State of Haryana 2013 (4) SCT 286.**

3. Learned counsel for the petitioner submits that pension of the petitioner was reduced from Rs.63,650/-to Rs.61,800/- w.e.f. 01.01.2016.

4. Per contra learned counsel for the respondent-corporation at the outset submits that the impugned order dated 27.01.2021 (Annexure P-5) was issued inadvertently in terms of Rules 78 *ibid*. The revision beyond 5 years of retirement is not permissible. He further submits that petitioner has earlier filed **CWP-3450 of 2011** seeking relevant revision of pension which has been admitted by this Court vide order dated 04.10.2023. Thereafter the Government of Haryana issued a Memorandum of implementation of the revised pension Rules (Part-II), 2009 on 08.09.2016 clarifying that the pension of the employees who retired between 01.01.2006 and 30.09.2006 shall also not be less than 50% of the minimum sum of his pay band and the grade pay.

5. Learned counsel for the respondent further submits that inadvertently the revised PPO dated 12.01.2021 (Annexure P-4) was issued and the pension of the petitioner was fixed at Rs.63,650/- whereas on the basis of 10 months average emoluments on the last pay drawn of the petitioner, his pension was required to be fixed at Rs.61,800/-+ DR. As such, the said revised PPO was issued as per the prevailing new instructions on the basis of 10 months average

emoluments on the last pay drawn of the petitioner which was applicable to the petitioner at the time of the retirement. Further legal notice of the petitioner dated 01.03.2021 was duly considered and decided. However, the same has not been challenged by the petitioner. Further the respondent-Corporation has adopted the instructions of Government of Haryana dated 26.11.2021 in which it provides that the pension shall be continued to be calculated @ 50% of the average emoluments in all cases, prior to 30.11.2007 retirement date and shall be subjected to minimum of Rs.9,000/- per month and maximum Rs.50,000/- of the highest pay applicable in the State of Haryana.

6. In rebuttal, learned counsel for the petitioner submits that there is no dispute to the fact that at the time of retirement of the petitioner, his pension was prepared on the basis of 10 months average emoluments on the last pay drawn of the petitioner. However, as and when the State Government being a Welfare State brings out a more beneficial legislation for providing higher pension to its retirees, the benefit of the same cannot be denied to the petitioner in terms of the judgment rendered by the Hon'ble Supreme Court in ***D. S. Nakara and others Vs. Union of India (1983) 1 SCC 305***. Further, the revision of the pension of the petitioner has not been made by the Sanctioning Authority, rather it is issued by Senior Accounts Officer.

7. I have heard learned counsel for the parties and have gone through the record of the case.

8. The stand taken by the respondent-Corporation is self contradictory. The issuance of revised PPO is sought to be justified on the ground that order dated 12.01.2021 (Annexure P-4) was issued inadvertently whereas the petitioner is entitled to pension @ of Rs.61,800/- + DR on the basis of 10 months average emoluments on the last pay drawn of the petitioner.

9. On the other hand, reliance is being placed by learned counsel for the petitioner on the instructions dated 26.11.2021.

10. In view of the facts and circumstances of the present case, the case is referred to the Employees Grievance Redressal Committee constituted under the latest policy of the Haryana to examine the issue involved in the light of the law laid down by this Court in **CWP-2457-2025** titled as **H.C. Sharma, Vs. State of Haryana and others**, decided on 30.07.2025 and **CWP-32661-2024 Sajjan Kumar Goyal Vs. State of Haryana and others** decided on **04.11.2025**, the present petition is disposed of in the following terms:

i. The Employees' Grievance Redressal Committee constituted under the Haryana State Litigation Policy, 2025 is hereby directed to treat the present writ petition as a comprehensive representation and to consider and adjudicate upon the issue raised herein. In the alternative, the petitioner/s shall be at liberty to submit a detailed representation setting out his/her/their claim within a period of two weeks from the date of receipt of a certified copy of this order.

ii. The Committee shall pass a reasoned and speaking order, after granting an opportunity of personal hearing to the petitioner/s, within a period of three months from the date of

receipt of a certified copy of this order, or from the date of receipt of the representation of the petitioner/s, as the case may be. Further, the decision taken thereof shall be conveyed to the petitioner/s. Needless to say, if the petitioner/s is/are found entitled to the relief sought, the same shall be granted to his/her/them forthwith.”

11. In the meantime, till such period, the committee decide the controversy involved in the present case, interim order passed by this Court on 01.06.2023 shall enure.
12. Needless to say, if the petitioner is found entitled to the relief sought, the same be granted to him forthwith by the competent authority.
13. Pending application, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

December 10, 2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No