



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

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**CWP-23729-2011 (O&M)
Date of decision: 19.05.2025**

SHIV NARAIN GARG

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Jai Singh Yadav, Advocate for
for the petitioner.

Mr. Harvinder Singh, Advocate for
Mr. Karan Nehra, Advocate
for respondent No.3.

Ms. Dimple Jain, DAG, Haryana.

Ms. Anmolpreet Kaur, Advocate for
Mr. Harneet Singh Oberoi, Advocate
for respondent No.4.

VINOD S. BHARDWAJ, J. (Oral)

The present writ petition has been filed seeking directions to the respondents No.1 and 2 to count the service rendered by the petitioner on the post of Junior Design Engineer on Beas Project for the period 06.11.1971 to 17.10.1976 and re-fix the pension of the petitioner as provided under rule 3.17 of the Punjab Civil Rules (as applicable to the State of Haryana).

The matter was taken up on 10.02.2015 when the following order was passed:-



“On the issue, as to whether the petitioner can be given benefit of service rendered by him with the Beas Construction Board prior to his appointment with the State of Haryana, Department of Irrigation. (respondents No.1 and 2), learned counsel appearing for respondent No.3. the i.e. the Bhakra Beas Management Board, has stated that as per the decision of the Supreme Court in Jaswant Singh and others Vs. Union of India and others, AIR 1980 Supreme Court, 115, the employees of the erstwhile Beas Construction Board have been held to be Central Government employees and not employees of the Bhakra Beas Management Board and, as such. even if the claim of the petitioner is admitted, the Board cannot be burdened with any liability and, further, the petitioner has not impleaded the proper party, i.e. Union of India, as a respondent.

Dr. Sushil Gautam, learned Deputy Advocate General, Haryana, further submits that in any case, the entire exercise in this petition would be rendered fruitless, and wholly academic, in view of the fact that a 100% cut in pension has been imposed by way of punishment on the petitioner, vide an order which he challenged without success before the Civil Court, which judgment has not been reversed in any subsequent proceedings.

As a matter of fact, upon query, learned counsel for the petitioner admits that a civil suit to the above effect was filed and now the judgment of the civil Court is under challenge by way of RSA No.4272 of 2013 before this



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Court and that there is no order operating in favour of the petitioner, in the said RSA.

Learned State counsel further submits that another writ petition, i.e. CWP No.3990 of 2009, has also been filed by the petitioner, seeking release of retirement benefits etc., after counting the period of his suspension from service, as duty period.

Since there can be no benefit granted to the petitioner of any additional pension, even if his claim in the present petition were to be allowed, in view of the 100% cut in pension imposed on him, this petition is adjourned sine die.

To be taken up after the decision in the aforesaid RSA, i.e. RSA No.4272 of 2013.”

Since the said RSA No. 4272 of 2013 has been withdrawn vide order dated 25.01.2023, counsel for the petitioner seeks withdrawal of the instant writ petition as well.

Disposed of as withdrawn.

All the pending miscellaneous application(s), if any, are also disposed of.

MAY 19, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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