



CWP-18111-2015

-1-

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

205

CWP-18111-2015

Date of Decision: 11.11.2025

Rajinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Ravi Sharma, Advocate and
Mr. Kamal, Advocate for the petitioner
Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to release pensionary and retiral benefits.

2. The petitioner joined Punjab Police on 20.06.1989 as Assistant Sub-Inspector. He was promoted as Sub-Inspector in 1994 on *ad hoc* basis and in 2008 on permanent basis. He submitted his resignation which was accepted by Director General of Police, Punjab w.e.f. 01.02.2010. He requested respondent to release retiral benefits besides GPF. The respondent released GPF, however, rejected claim *qua* other benefits i.e. leave encashment, gratuity and pension on the ground that he has resigned and these benefits are available in case of voluntary retirement.

3. On 29.09.2025, this Court passed the following order:-

*“The petitioner is relying upon order dated 03.12.2002
passed by this Court in CWP No.11126 of 1998 titled as*



‘Meher Singh Versus State of Punjab and Others’ and order dated 22.08.2002 passed by this Court in Regular Second Appeal No.50 of 2000 titled as ‘Haryana State through Collector, District Bhiwani, Bhiwani Versus Madan Pal Ahlawat’.

From the perusal of aforesaid orders, it comes out that some period of service for voluntary retirement was prescribed by State Government and said period was completed by employee. He filed application seeking retirement, however, expression “resignation” was used instead of “retirement”.

In the case in hand, the petitioner has submitted resignation and he is claiming that it should be treated as application seeking voluntary retirement. Rule 9.18 of Punjab Police Rules, 1934 provides for pension to an Officer who is permitted to retire after completing qualifying service of 25 years or such lesser period as may be prescribed.

There is nothing on record disclosing whether State Government has prescribed any period less than 25 years as qualifying period for pension for police officials.

Both the parties are directed to bring on record notification/instruction, if any, whereby period less than 25 years has been prescribed as qualifying period.

Adjourned to 11.11.2025.”

4. The petitioner has placed on record Punjab Civil Services (Premature Retirement) Rules, 1975 (for short ‘**1975 Rules**’). As per Rule 3(3) of 1975 Rules, an employee who has completed 20 years of service may seek retirement. The notice of retirement shall require acceptance by appropriate authority. Rule 3 of 1975 Rules reads as: -

“3. (1) Premature Retirement:

(a) The appropriate authority shall, if it is of the opinion that it is in public interest to do so, have the absolute right, by giving an employee prior notice in



writing, to retire that employee on the date on which he completes twenty five years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice.

(b) The period of such notice shall not be less than three months:

Provided that where at least three months' notice is not given or notice for a period less than three months is given, the employee shall be entitled to claim a sum equivalent to the amount of his pay and allowances, at the same rates at which he was drawing them immediately before the date of retirement, for a period of three months or, as the case may be, for the period by which such notice falls short of three months.

(2) Any Government employee may, after giving at least three months' previous notice in writing to the appropriate authority retire from service on the date on which he completes twenty-five years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice:

Provided that no employee under suspension shall retire from service except with the specific approval of the appropriate authority.

(3) (a) At any time after an employee has completed twenty years of qualifying service, he may, by giving notice of not less than three months in writing to the appropriate authority, retire from service.

(b) The notice of voluntary retirement given under this sub-rule shall require acceptance by the appropriate authority.

(c) Where the appropriate authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.



(4) The employee, who has elected to retire under sub-rule (2) or sub-rule (3) and has given the necessary notice to that effect to the appropriate authority, shall be precluded from withdrawing his notice except with the specific approval of the appropriate authority.

Provided that the request for withdrawal shall be made before the intended date of his retirement.

Note 1:- An employee may make a request, in writing, to the appropriate authority to accept notice of less than three months giving reasons therefore and such a request for the curtailment of the period of notice shall be considered on merit and if the appropriate authority is satisfied that such curtailment will not cause any administrative inconvenience it may relax the requirement of notice of three months on the condition that the employee shall not apply for commutation of a part of his pension before the expiry of the notice period of three months."

Note 2:- If an employee retires under sub-rule (2) or (3) above while he is on leave not due, without returning to duty, the retirement shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave shall be recovered as provided in rule 8.119 (d) of the Punjab Civil Services Rules, Volume I, Part I.

(4) The amount of pension to be granted after allowing increase in the qualifying service under sub-rule (2) shall be subject to the provisions of rules 2.2 and 6.4 of the Punjab Civil Services Rules."

[Emphasis Supplied]

5. Learned State counsel submits that petitioner had submitted resignation which is not contemplated by 1975 Rules. As per those Rules,

the petitioner, on completion of 20 years service, could submit application

**CWP-18111-2015****-5-**

seeking retirement which was required to be accepted. As there was no application seeking premature retirement and acceptance by competent authority, application seeking resignation should be given full effect. Any order of this Court to direct respondent to treat petitioner's application as application for retirement would be contrary to 1975 Rules.

6. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

7. From the perusal of record, it is evident that the petitioner served in Punjab Police for more than 20 years. As per 1975 Rules, he could seek premature retirement on completion of 20 years service. He is claiming that he had to file resignation owing to surrounding circumstances. He was under tremendous pressure which compelled him to file resignation. The petitioner could file application seeking premature retirement, however, he submitted resignation which was accepted without any objection. The respondent, at that stage, was supposed to examine whether petitioner was involved in any civil or criminal case or has filed resignation because of adverse atmosphere or any other compelling reason. In the absence of any adverse report against him, he ought to be informed of his rights. As per Rule 16.2 of PPR, Disciplinary Authority even while passing order of dismissal from service is required to consider length of service and entitlement of officer to pension.

8. This Court, in the light of applicable Rules, finds it appropriate to direct respondent to reconsider case of the petitioner in the light of Rule 3(3) of 1975 Rules. The authority is free to examine whether any departmental or criminal proceedings was pending or contemplated against

the petitioner. Needful shall be done within three months from today.

**CWP-18111-2015****-6-**

9. It is made clear that in the event petitioner is found eligible to benefit of Rule 3(3) of 1975 Rules, he would not be entitled to pay/pension for the intervening period. He would be entitled to other retiral benefits without interest.

10. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

11.11.2025
Mohit Kumar

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