

2025:PHHC:097270



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

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CWP-15057-2017

Date of Decision: 31.07.2025

MATU RAM SHIVRANA

... Petitioner

VERSUS

UNION OF INDIA AND ORS

... Respondents

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

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Ms. Vibha Dhiman, Sr. Panel Counsel
for respondents No.1 to 3.

None for respondent No.4.

VINOD S. BHARDWAJ, J. (ORAL)

Challenging the order dated 21.06.2017, whereby the claim of the petitioner for seeking redetermination of his pension by treating 30 years' service as full qualifying service has been rejected, the instant writ petition has been filed.

Learned counsel for the petitioner contends that the petitioner had joined the respondent-Department as a permanent officer on 20.07.1964 and had superannuated on 31.03.1996 after serving for 31 years 08 months and 04 days. He contends that as per the instructions issued by the respondents, the age of superannuation was fixed as 55 years, however, in the Central Civil Services Pension Rules 1972, the superannuation age was fixed as 58 years and qualifying service for entitlement of superannuation pension was 33 years. He

contends that while releasing the pensionary benefits of the petitioner, the respondents imposed a pro-rata cut therein. It is submitted that the said action of the respondents was bad since, notwithstanding the superannuation age of 58 years having been prescribed under the Central Civil Services Pension Rules 1972, the department, by relying on the instructions of Ministry of Defence dated 23.05.1980, superannuated the petitioner at the age of 55 years. Hence, the respondents ought to have given the benefit of reduction in the qualifying service to the petitioner by the number of years by which he had been retired/superannuated prior to attaining the age of 58 years. Thus, the qualifying service has to be suitably considered as 30 years instead of 33 years. It is submitted that a similar controversy came up before the Hon'ble Supreme Court in the matter of ***Raghunandan Lal Chaudary Versus Union of India and others***, which was ***decided on 07.04.1988***, reported as ***AIR 1988 SC 2125***. The Hon'ble Supreme Court directed that the qualifying service for superannuation pension in relation to the persons, who were retired by relying on instructions of Ministry of Defence dated 23.05.1980 on attaining the age of 55 years, should be 30 years. The same issue also came up for consideration before a Division Bench of this Court, in the matter of ***Lieutenant Mrs. B. Mahajan, (Retd.) Versus Union of India and Others*** reported as ***(2008) 1 SCT 541*** as well as before the Delhi High Court in ***CWP No.6 of 2000*** titled as ***Retd. Major A.S. Dahiya Vs. Union of India and Others*** decided on ***17.12.2003***. He contends that the aforesaid judgments were also followed by a Single Bench of this Court in ***CWP No.4153 of 2007*** titled as ***NCC-PC-12269 Major Harchand Ram (Retd.) Vs. Union of India and Others*** decided on ***01.11.2010***.

Even though counsel for the respondents contends that the benefits admissible to the petitioner have been revised by the respondents w.e.f. 01.01.2006, however, she is not in a position to dispute that the benefits as claimed for by the petitioner have already been granted under similar circumstances to the similarly placed persons.

The counsel is however not in a position to dispute that the judgments referred to above are applicable to the instant case and they are covered against the respondents on the legal issue raised herein.

The present writ petition is accordingly allowed in terms of the ***judgment dated 01.11.2010*** passed in the matter of ***Major Harchand Ram (Retd.) (supra)*** and the impugned order dated 21.06.2017 (Annexure P-2) is hereby set aside. The respondents are directed to recompute and refix the pensionary benefits of the petitioner notionally w.e.f. 31.03.1996 by treating the qualifying service for superannuation pension as 30 years and the actual benefits be released from the date of institution of the present writ petition. The same be disbursed to the petitioner within a period of three months of the receipt of a certified copy of this order.

Needless to mention that in case the said benefits are not released with the specified period, the petitioner shall be entitled to interest @ 6% per annum for such delayed period.

Petition stands allowed in above terms.

JULY 31, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No