



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

- 1) CWP-3131-2016  
Date of decision: 08.09.2025
- Surender Singh ....Petitioner  
Versus  
State of Haryana and others ...Respondents
- 2) CWP-3138-2016
- Randhir Singh ....Petitioner  
Versus  
State of Haryana and others ...Respondents
- 3) CWP-3139-2016
- Neta Nand Sharma ....Petitioner  
Versus  
State of Haryana and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Pawan Hooda, Advocate  
for the petitioner(s).

Mr. Piyush Khanna, Addl.A.G., Haryana.

Mr. Anil Chawla, Advocate  
for respondent No.5 (in CWP-3131-2016),  
for respondents No.2 to 4 (in CWP-3138-2016) and  
for respondents No.2 to 5 (in CWP-3139-2016).

**HARPREET SINGH BRAR, J. (ORAL)**

1. This common order shall dispose of the aforementioned civil writ petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CWP-3131-2016.
2. The present civil writ petition(s) has been filed under Articles



CWP-3131-2016  
CWP-3138-2016  
CWP-3139-2016

-2-

226/227 of the Constitution of India for issuance of an appropriate writ in the nature of *mandamus* directing the respondents to grant the pension @ 50% of basic pay as per the notification No.2/10/2014-I pension dated 29.08.2014 with effect from the date of its implementation.

3. Learned counsel for the petitioner(s) submits that the petitioner had joined the Rajya Sainik Board, Haryana as welfare organizer on 01.10.1993 and he was retired from service on 31.07.2014 after completion of age of 58 years. After his retirement, the pension of the petitioner was fixed as Rs.6,642 vide Annexure P-1. As per the notification dated 17.04.2009 issued by the Government of Haryana, the petitioner was granted the pension. Further, the Haryana Government Finance Department was issued a notification dated 25.08.2014 (Annexure P-2) regarding the amendment in the Haryana Civil Services (Revised Pension) Part-II Rules, 2009 by Haryana Civil Services (Revised Pension) Part-II (Amendment) Rules, 2014 and the petitioner has become entitled for the enhancement of pension as per the new notification. Thereafter, the petitioner had sent a letter dated 11.12.2014 (Annexure P-3) for grant of 50% pension as per the new amendment and notification but no response has been filed by the respondents nor pension as per the said notification was granted to the petitioner, as a result of which, the petitioner sent the reminder dated 18.04.2015 (Annexure P-4) but the benefits of the notification dated 25.08.2014 have been denied to the petitioner.

4. On the other hand, learned counsel for the respondent(s) submits that the notification was issued on 25.08.2014 in which it was clearly mentioned that the persons retiring after the date of notification of the said



CWP-3131-2016  
CWP-3138-2016  
CWP-3139-2016

-3-

amendment, linkage of full pension with twenty eight years of qualifying service, shall be modified to the extent that once a Government servant retires after rendering the minimum qualifying service of twenty eight years, pension shall be sanctioned at fifty percent of the emoluments as defined in the Rules. He further submits that the the amendment is applicable only in the case of those employees who retires on or after 25.08.2014 and the petitioner retired prior to cut off date fixed by the Government in the said notification and thus, the petitioner is not entitled to the said benefit.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance and it transpires that the controversy involved is with regard to the fixation of cut off date as 01.01.2006 for grant of benefits in terms of notification dated 25.08.2014. The present case is squarely covered by the judgment of Full Bench of this Court passed in CWP No.17310 of 2015 titled as 'Shamsher Singh and others Vs. State of Haryana and others', as such, the petitioner cannot claim the benefit of notification dated 25.08.2014. The petitioner(s) has retired prior to issuance of notification. The Full Bench has considered the issue and the operative part is reproduced as under:-

*“...67. Keeping in view the factual aspects noticed hereinbefore coupled with the settled principle of law, it cannot be said that the prospective amendment to Part-II Rules, 2009 vide notification dated 25.08.2014 is without jurisdiction or is arbitrary or illegal or violates the Articles 14 and 16 of the Constitution of India.*

*68. The prayer of the petitioners that the retired employees and the serving employees be treated as homogeneous class cannot be accepted qua the grant of benefit of amended Rule 8(1-A) of Part-II Rules, 2009. The benefit extended to serving employees, who were in service as on the date of amendment of Part-II Rules, 2009 i.e. 25.08.2014 only, cannot be treated as arbitrary and illegal hence, the challenge to the validity of Notification*



CWP-3131-2016  
CWP-3138-2016  
CWP-3139-2016

-4-

*dated 25.08.2014 amending Part-II Rules, 2009 prospectively, needs no interference at the hands of this Court.*

69. Further, learned counsel for the petitioners press into operation the judgment of the Division Bench of this Court in **State of Punjab and others Vs. A.P. Sharma and others**, 2017 (1) SCT 322. The said judgment cannot be made applicable in the facts and circumstances of the present case. Here, the petitioners who are retired employees, are claiming the benefit as extended to the serving employees whereas, the facts in **A.P. Sharma and others (supra)** were with regard to the revision of the pay scale retrospectively. As the facts of both the cases are different, the benefit of the judgment in **A.P. Sharma and others (supra)** cannot be extended to the petitioners so as to claim that the amendment dated 25.08.2014 should be retrospectively made applicable to all the retired employees irrespective of the date of their retirement.

70. Therefore, the challenge to the amendment to Part-II Rules, 2009 dated 25.08.2014 so as to operate upon all the retirees of the State of Haryana cannot be accepted and is accordingly rejected...”

6. In view of the discussion above and the present writ petitions are hereby dismissed in view of the judgment rendered by the Full Bench of this Court in **Shamsher Singh and others (supra)**.

7. A photo copy of this order be placed on the file of connected cases.

(HARPREET SINGH BRAR)  
JUDGE

08.09.2025

Neha

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |