IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115 **CWP-24748-2017**
Date of Decision : November 17, 2025

VIJAY KUMAR **-PETITIONER**

V/S

STATE OF PUNJAB AND ORS. **-RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Dharam Pal, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

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KULDEEP TIWARI, J. (ORAL)

1. On 04.11.2025, this Court had passed the following order:-

> *"Learned State counsel, on the strength of the reply submitted, states that the case of the petitioner is not covered under the instructions dated 15.12.2011, as he is required to complete 25 years of qualifying service. In the instant case, the service rendered by the petitioner is 23 years and 6 months on the date of retirement i.e. 30.11.2001. The relevant clause of the instructions (supra) is extracted hereinafter:-*
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> > ***"2. That the instructions were issued by the Department of Finance (Finance Pension Policy & Coordination Branch) letter No.3/23/09-3FPPC/1358 dated 15.12.2011 (Annexure P-4) has been clearly elucidated as under:***
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> > > ***"Governor of Punjab is pleased to decide that the linkage of full pension with qualifying service of 33 years shall be dispensed with. Once a government employee has rendered minimum qualifying service of twenty five years, pension shall be admissible to 50% emoluments or average emoluments received during the last 10 months,***

whichever is beneficial to him.

3. These orders shall come into force w.e.f. 01.12.2011. That the petitioner rendered 23 years 6 months service on the date of retirement on 30.11.2001……….."

At this stage, learned counsel for the petitioner seeks an adjournment to address the arguments as to how the claim of the petitioner is covered under the instructions (supra)……….."

2. This Court finds that the stand taken by the respondent-department is not in consonance with the judgment dated 18.12.2019, as rendered by a Co-ordinate Bench of this Court in ***CWP-7239-2015*** titled as ***"Labh Singh Dhaliwal and others Vs. State of Punjab".*** Relying upon the legal principles enunciated in ***Labh Singh Dhaliwal's case (supra),*** another Co-ordinate Bench of this Court, while rendering the judgment dated 03.08.2023 in ***CWP-7764-2017*** titled as ***"Dr. S.C. Aneja and another Vs. State of Punjab and others"***, held that the cut off date fixed by the State of Punjab in the Circular dated 15.12.2011 has no nexus to the purpose sought to be achieved once the requirement of 33 years of service has been dispensed with for granting full pension, the same would apply uniformly to all the retired persons who have attained superannuation prior to passing of order dated 15.12.2011 and cannot be limited to those who retired after 01.12.2011. The relevant paragraphs of the judgment dated 03.08.2023 are extracted hereunder:-

"2. A single Judge of this Court in ***CWP-7239-2015 and 88 connected cases*** *decided on 18.12.2019 with lead case titled as '****Labh Singh Dhaliwal and others vs. State of Punjab****' relying upon an earlier decision passed in* ***CWP-11373-2012*** *titled as '****Rattan Singh and others vs. State of Punjab'*** *decided on 16.08.2013 and judgment passed by Division Bench in* ***LPA-1857-2013*** *decided on 09.07.2014, held as under:*

"18. Despite the order passed by this Court on 31.05.2019, the State has not been able to furnish the details, as called for by this Court, as is apparent from the affidavit dated 20.07.2019 filed by the Deputy Secretary, Department of Finance, Government of Punjab, which clearly indicates that no exercise has been carried out in earnest as per the requirement of the Division Bench judgment of the Court to assess the liability and the burden, if any, upon the Government in case the letter dated 15.12.2011 is given effect to from 01.01.2006. After the opportunity granted by the Division Bench and by this Court also during the pendency of these cases, no further opportunity needs to be granted to the State in these matters. The action of the State, therefore, is unsustainable and the letter dated 15.12.2011 of the Government of Punjab being in violation of the settled proposition of law, as has been so held by the Single Bench and upheld by the Division Bench of this Court referred to above, cannot sustain and deserves to be set aside.

19. In view of the above, these writ petitions are allowed. Letter dated 06.01.2015 issued by the Punjab Government, Finance Department (Finance Pension Policy & Co-ordination Department) is hereby quashed.

20. Since the Division Bench of this Court vide order dated 09.07.2014 passed in LPA No. 1857 of 2013 had set aside the judgment of the Single Judge dated 16.08.2013 to the limited extent of conferring the benefit of the letter dated 15.12.2011 w.e.f. 01.01.2006 with a direction to re-consider the issue and take a fresh decision with regard to the date of implementation of the decision contained in the letter dated 15.12.2011 which cut off date i.e. 01.12.2011, as fixed by State of Punjab in its letter dated 06.01.2015, has been quashed, the employees, who had retired w.e.f. 01.01.2006 and fulfil the requirements of letter dated 15.12.2011, shall be entitled to the benefit of the letter dated 15.12.2011. This is being so held in the light of the

> *fact that the cut off date, as fixed by the State, has failed to pass the test as laid down by the Single Bench in its judgment dated 16.08.2013, which had been upheld by the Division Bench of this Court in its judgment dated 09.07.2014 as reproduced and summarized in the earlier part of this judgment.*
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> *21. Let the consequential benefits be released to the eligible petitioners and similarly placed retired employees within a period of four months from today."*

> *3. In view of the aforesaid judgment and also taking into consideration the law as settled by the Supreme Court in* ***D.S Nakara v. Union of India 1983 SCR (2) 165****, this Court agrees with the view taken by the Co-ordinate Bench that the cut off date fixed by the State of Punjab in the Circular dated 15.12.2011 has no nexus to the purpose sought to be achieved once the requirement of 33 years of service has been dispensed with for granting full pension, the same would apply uniformly to all the retired persons who have attained superannuation prior to passing of order dated 15.12.2011 and cannot be limited to those who retired after 01.12.2011."*

3. Following the legal position settled in the judgments (*supra*), this Court is of the considered opinion that the petitioner's pension is also liable to be recalculated by applying 25 years, rather than 33 years, as the benchmark for qualifying service. Accordingly, the present writ petition is **disposed of** with a direction to the respondent-department to re-examine the petitioner's case and recalculate his pension in light of the judgments (*supra*). The necessary exercise shall be completed within six weeks from the date of receipt of a certified copy of this order.

(KULDEEP TIWARI)
JUDGE

November 17, 2025
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No