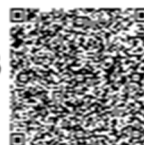


LPA No. 2191 of 2024

2025:PHHC:024975-DB



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

1. **LPA No. 2191 of 2024**
Date of Decision: February 17, 2025

Mohinder KumarAppellant

Versus

State of Punjab and others Respondents

2. **LPA No. 2495 of 2024**

Nirmala DeviAppellant

Versus

State of Punjab and others Respondents

3. **LPA No. 2978 of 2024**

Jasvinder SinghAppellant

Versus

State of Punjab and others Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Vivek Sharma, Advocate for the appellant(s) in
LPA Nos. 2191 & 2495 of 2024.

Ms. Riti Aggarwal, Advocate
for the appellant in LPA-2978-2024.

Mr. R.S. Pandher, Sr. DAG, Punjab.

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LISA GILL, J.

1. This order shall dispose of LPA Nos. 2191, 2495 and 2978 of 2024 which are taken up together at request and with consent of learned counsel for parties, as LPA Nos. 2191 and 2495 of 2024 arise out of common impugned order dated 07.08.2024 and LPA-2978-2024 involves identical question for adjudication.

2. All the appellants (writ petitioners) are aggrieved of action of respondents in not taking in account, services rendered by them in State of Haryana for the purpose of qualifying service for computing pensionary benefits after their retirement from service from a post while serving State of Punjab. It is a conceded position that all appellants (writ petitioners) were serving State of Haryana in various capacities, before their appointment with State of Punjab. Appellants – Mohinder Singh and Nirmala Devi were serving Education Department as Science Master and JBT teacher respectively and appellant – Jasvinder Singh was serving as Weldor Instructor in the State of Haryana. All the appellants sought inclusion of period of service rendered by them with State of Haryana for the purpose of computing pensionary benefits. Their claim was denied by respondents on the ground that circular dated 20.05.1982 relied upon by appellants, to claim the benefit is not applicable, as there is no reciprocal arrangement between States of Haryana and Punjab and that there did not exist any policy or decision according to which service rendered by employee in State of Haryana prior to his/her joining the State of Punjab could be counted for the purpose of computing pensionary benefits. Reliance was placed upon decision dated 02.08.2000 by Division Bench of this Court in CWP-7694-1998 titled **Mrs. Ranjit Nahar versus State of Punjab**. It is further explained that State of Punjab did have a reciprocal

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arrangement with Central Government and State of Himachal Pradesh for sharing proportionate pensionary liability in respect of those temporary employees who had rendered service under Central/State Government subject to certain stipulations but as State of Punjab did not have any such reciprocal arrangement with State of Haryana, benefit as claimed could not be afforded to the appellants.

3. Learned Single Bench while considering the facts and circumstances of the matter referred to decision dated 02.08.2000 in CWP-7694-1998, wherein it was held that instructions dated 20.05.1982 issued by State of Punjab would have no applicability to the petitioner therein, who was claiming benefit for services rendered by her with State of Haryana prior to her joining service with State of Punjab. Writ petitions were, accordingly, dismissed. Aggrieved therefrom, present appeals have been filed.

4. Learned counsel for appellants vehemently argued that learned Single Bench has grossly erred in fact and on law in dismissing the writ petitions filed by appellants. Appellants had applied through proper channel for service with the State of Punjab, denial of counting their service rendered with State of Haryana, for computing their pensionary benefits is claimed to be illegal, arbitrary and unreasonable. Reliance is placed on decision dated 23.10.2009 in CWP-6980-2009 (**Partap Singh versus State of Haryana and others**) and dated 22.09.2016 in CWP-8094-2011 (**Man Singh versus State of Haryana and others**). Learned counsel submits that decision in case of Partap Singh's case (supra) has already been implemented by the Department, therefore, it does not lie with them to deny the claim of appellants. Learned counsel for appellants refers to notification dated 26.02.1990 to submit that as

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per Punjab Financial (1st amendment) Rules Volume II, 1990 which were amended on 26.02.1990 incidence of leave salary and incidence of pension is provided as under:-

“II. INCIDENCE OF LEAVE SALARY –

The incidence of leave salaries of Government employees who have served under two or more governments shall be governed as under:-

The liability for leave salary will be borne in full by the department from which the government employee proceeds on leave, whether it be his parent department or a borrowing department with whom he is on deputation.

IV. INCIDENCE OF PENSION -

Except in regard to the apportionment of liabilities of pensions of Government employees who retired after serving the undivided India between India and Pakistan, the adjustment of pensionary charges of Government employees, who have served under one or more than one Government shall be governed as under:

The liability for pension including gratuity will be borne in full by the Central or State Government as the case may be to which the government employee permanent belongs at the time of retirement.

5. Learned counsel submits that in view of the above, claim of appellants has been incorrectly rejected. It is, thus, prayed that these appeals be allowed, impugned order be set aside and writ petitions be allowed as prayed for.

6. Learned counsel for State has refuted the arguments as raised on behalf of appellants while submitting that reliance has wrongly been placed on

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notification dated 26.02.1990, as it has been read in isolation without reading the relevant provisions of Punjab Financial Rules (Vol.1) as a whole. Moreover, matter having been conclusively decided by Division Bench of this Court in Mrs. Ranjit Nahar's case (supra), it is correctly observed by learned Single Bench that decision of co-ordinate Single Bench in Partap Singh's case (supra) cannot be pressed in service to the benefit of writ petitioner, as it has been passed without noticing decision dated 02.08.2000 passed by Division Bench. Dismissal of appeals is, thus, sought.

7. We have learned counsel for parties and have carefully perused the files.

8. Factual aspect as is pleaded regarding service of appellants with State of Haryana prior to their induction in service with State of Punjab is a matter of record, narration of details thereof in each case is not being repeated for the sake of brevity. Question as raised for consideration in all these appeals is as to whether appellants are entitled to benefit of service rendered by them with State of Haryana prior to their induction in service with State of Punjab. Reliance was placed on instructions dated 14.05.1986 besides notification dated 26.02.1990. At this juncture, it is relevant to refer to Regulation 2.36 of Punjab Financial Rules (Vol.1) Chapter VI titled Inter-Governmental and Inter-Departmental Transactions in regard to Inter-Government transactions, which reads as under:-

“ 2.36. (1) Subject to the relevant provisions of the Constitution and of the order issued thereunder by the President of India, adjustments in respect of financial transactions with the Union, or other State Government will unless otherwise provided for, be made in such manner and to such extent as may be mutually

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agreed upon between the Punjab Government and the Union Government or the State Government concerned.

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Note.-Incidence of charges, viz. leave salary, pension, etc., arising out of inter-governmental deputation of individual Government employees would continue to be regulated by the rules laid down in Appendix 3-B to Account Code. Volume I as reproduced in Appendix 3 of the Punjab Financial Rules, Volume II. (Previously it was note 2)”

9. Punjab Financial Rules (Vol.II), Appendix 3, deals with incidence of pay, allowance, pension etc. It refers to agreements with other Governments (other than Jammu and Kashmir) regarding incidence of pay and allowances, leave salary, cost of passages, pensions, rents of buildings etc., etc. Introductory passage reads as under:-

“ The rules regulating the incidence of pay, leave, passage and pension, etc., charges of Government employees as well as certain other charges and receipts between Governments which are set out in this appendix are based on arrangements agreed between the different Governments and are, therefore, binding on all of them.”

10. Amendment in the incidence of pension and leave salaries as referred to by learned counsel for appellants was carried out vide notification dated 26.02.1990. Perusal of above clearly reveals that until and unless there is reciprocal arrangement/decision between State of Punjab and State of Haryana, provisions as referred to by learned counsel for appellants would have no applicability. Division Bench of this Court vide order dated 02.08.2000 in CWP-7694-1998, dismissed a similar, in fact identical claim raised by petitioner therein, who had earlier served as Teacher with

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Government Middle School in District Hisar, State of Haryana before joining as Head Mistress with State of Punjab. It is specifically observed in order dated 02.08.2000, that reliance on instructions, which would govern the incidence of pension of employees of State with which State of Punjab had a reciprocal agreement, would have no application in a situation where no such arrangement with the State of Punjab existed. It was held that no Rule or notification had been brought to notice of the Court which mandated State of Punjab to count service of Government employee who may have rendered service with State of Haryana. Similar is the situation as on today before us. In view of specific Rules to which there is no challenge, we do not find any ground for interference or any merit in the argument raised by learned counsel for appellants that such a treatment to appellants is discriminatory.

11. Reliance by learned counsel for appellants on Single Bench judgments in the cases of Partap Singh and Mann Singh (*supra*) are of no avail as both these judgments have been passed without reference to decision dated 02.08.2000 in Mrs. Ranjit Nahar's case (*supra*). Reference by learned Single Bench to Rule 3.17 to the Punjab Civil Services Rules in the case of Partap Singh (*supra*) would be clearly irrelevant in the given situation. The case of **Rameshwar Dass Singla versus State of Punjab and another 2013 (4) SCT 595** was a case of petitioner therein, having served the State of Himachal Pradesh and joining the State of Punjab thereafter. Admittedly, there is a reciprocal arrangement between the State of Punjab and State of Himachal. Reciprocal agreement between State of Punjab and Central Government also exist, therefore, reliance on decision of learned Single Bench in **Er. Ramesh**

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Chander Mahajan versus State of Punjab and others 2011 (1) SCT 424 is of no avail to appellants.

12. Learned counsel for appellants are unable to point out any illegality, infirmity or irregularity in impugned orders dated 07.08.2024 and 20.08.2024 which calls for interference.

13. No other argument has been addressed.

14. These appeals being devoid of any merit are, thus, dismissed with no order as to cost.

(LISA GILL)
JUDGE

(DEEPINDER SINGH NALWA)
JUDGE

February 17, 2025
Rts

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