



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 16.09.2025

1. CWP-24420-2025 (O&M)

Jagtar Singh
State of Punjab and another
Versus
....Petitioner
....Respondents

2. CWP-24451-2025 (O&M)

Jaskaran Singh Brar
State of Punjab and another
Versus
....Petitioner
....Respondents

3. CWP-25870-2025 (O&M)

Nirmal Singh and others
State of Punjab and another
Versus
....Petitioners
....Respondents

4. CWP-26951-2025 (O&M)

Basant Singh and others
State of Punjab and another
Versus
....Petitioners
....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashok Sharma Nabhewala, Advocate
with Ms. Gauri Sharma, Advocate
for the petitioner(s)
in CWP Nos.24420, 25870 and 24451 of 2025.

Mr. Gaurav Rana, Advocate
with Mr. Paras Chander Kashyap, Advocate
for the petitioners in CWP-26951-2025.

Mr. Vikas Sonak, AAG, Punjab.



HARPREET SINGH BRAR J. (Oral)

CM-13391-CWP-2025 IN CWP-25870-2025

Prayer in the instant application filed under Order 1 Rule 10 read with Section 151 of CPC is for impleading the employer – Societies as respondents No.3 to 5.

Heard.

For the averments made in the application, which is supported by an affidavit of the applicant/petitioner – Nirmal Singh, the same is allowed and the employer – Societies are impleaded as respondents No.3 to 5 subject to all just exceptions.

Amended Memo of Parties is taken on record.

CWP Nos.24420, 24451, 25870 and 26951 of 2025 (O&M)

1. Vide this common order, I intend to dispose of CWP Nos.24420, 24451, 25870 and 26951 of 2025, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CWP-26951-2025.

2. On 22.08.2025, the following order was passed in CWP Nos.24420 and 24451 of 2025:-

*“.....The primary grievance raised in the instant writ petitions is while passing the impugned order dated 24.07.2025 (Annexure P-6) all other service benefits have been granted to the petitioner(s) in terms of the judgment passed by Division Bench of this Court in **CWP No.16052 of 2020** and other connected cases titled as *The Punjab State Agricultural Cooperative Societies Employees Union,**



Punjab vs. State of Punjab and another, decided on 09.08.2024. However, the arrears of salary for the intervening period during which they were prematurely retired, pursuant to the amendment dated 24.09.2020 made in Rule 19(A) of the Punjab State Cooperative Agricultural Service Societies Service Rules, 1997, have not been released.

Notice of motion.

Mr. T.P.S. Walia, AAG, Punjab, who is present in the Court accepts notice on behalf of the respondents – State.

Learned counsel for the petitioner(s) is directed to supply a copy of paperbook to counsel for the State during course of the day.

Adjourned to 16.09.2025.

In the meantime, reply, if any, be filed in the Registry of this Court with advance copy to counsel opposite.

To be taken up immediately after the Urgent List.....”

3. Despite being granted an opportunity to file reply (in CWP Nos.24420 and 24451 of 2025), the respondents have not done so. The exact stand of the respondents is clearly discernible from the impugned order dated 24.07.2025 (Annexure P-6). As such, all the captioned petitions are being decided without granting any further opportunity to file reply.

4. Prayer in writ petition (CWP-26951-2025) filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the order dated 24.07.2025 (Annexure P-5) passed by respondent No.2 whereby in complete disregard of the settled law and by wrongly invoking the principle of



‘No Work No Pay’, the arrears of salaries as admissible to petitioners for the service after 58 years of age and upto 60 years of age, have been denied and no reference has been made qua the benefit of 6th Punjab Pay Commission recommendation which has been decided to be implemented w.e.f. 01.03.2023 and thus, the arrears of salaries, enhanced gratuity, enhanced leave encashment has been denied. Further a writ of *mandamus* has been sought, directing the respondents to release arrears of salaries qua the petitioner after 58 years of age and till 60 years of age, during which the petitioners were forced out of service due to amendment which has been set-aside by the Division Bench of this Court vide judgment dated 09.08.2024 (Annexure P-1), by duly implementing the recommendation of 6th Punjab Pay Commission along with two annual increments and further consequently release the enhanced amount of gratuity and leave encashment along with interest @ 9% per annum from the date it became due till its actual realization, in favour of all the petitioners.

5. The petitioners were working as Secretary in various Agricultural Cooperative Societies across the State of Punjab. Their services were governed by Punjab State Cooperative Agricultural Service Rules, 1997 (in short ‘the Rules of 1997’). Respondent No.2 by invoking the power under Rule 28 of the Punjab Cooperative Societies Rules, 1963 (hereinafter to be referred as ‘the Rules of 1963’) and carried out amendment in Rule 19(A) of the Rules of 1997 by reducing the age of superannuation from 60 years to 58 years except for the



Peon-cum-Chowkidar, who shall retire on attaining the age of superannuation of 60 years. Aggrieved by the amendment, a bunch of petitions were filed before the Division Bench of this Court and vide judgment dated 09.08.2024 passed in CWP No.16052 of 2020 and other connected cases (titled as The Punjab State Agricultural Cooperative Societies Employees Union Punjab vs State of Punjab and another), the Division Bench of this Court has set-aside the amendment dated 24.09.2020 vide which the date of retirement of employees of the Cooperative Societies was reduced from 60 years to 58 years. Further the amendment was carried out without obtaining the legislative mandate in terms of Section 85(3) of the Punjab State Cooperative Societies Act, 1961. The petitioners were forced to retire on attaining the age of superannuation of 58 years although they were ready and willing to work till the age of 60 years. Further in terms of the amendment carried out in Rule 19(A) of the Rules of 1997 and a Proviso was added on 23.05.2001, to the effect that employees of the society who were appointed before the amendment shall be governed by the existing provisions for retirement of age. In compliance of the direction passed by the Division Bench of this Court, the impugned order dated 24.07.2025 (Annexure P-5) was passed by respondent No.2 by invoking the principle of "No Work No Pay", by denying the benefits of the period, when the petitioners were forced to retire after the age of 58 years.



6. Learned counsel for the petitioner(s) submits that the principle of "No Work No Pay", is misapplied. The petitioner(s) were ready and willing to work but they were prevented from doing so due to illegal and ultra-vires amendment. As such, the petitioner(s) cannot be penalized for the forced unemployment. Learned counsel for the petitioner(s) has further highlighted that the benefit of notional continuation of service has been granted for other retiral benefits regarding enhanced gratuity and the dispute in the present petition is confined only to the extent of arrears of salary for the period when the petitioner(s) were forced to retire on attaining the age of 58 years till the age of 60 years. Learned counsel for the petitioner(s) further refers to the letter dated 21.03.2023 (Annexure P-6) and submits that respondent No.2 has issued the said letter with regard to implementation of the recommendation of 6th Punjab Pay Commission and the recommendation of 6th Punjab Pay Commission has been accepted and implemented.

7. *Per contra*, learned State counsel submits that the petitioner(s) are not entitled to salaries for the period, for which they have not worked. The situation has arisen from the legislative repair in carrying out the amendment which was well within the domain of the Registrar, Cooperative Societies – respondent No.2 in terms of Rule 28 of the Rules of 1963. Therefore, according to the respondents, neither the Registrar nor the Cooperative Societies can be held responsible for the consequences of the said amendment. However, learned State



counsel could not controvert the fact that the petitioner(s) service conditions were protected under the Proviso added on 23.05.2001 to Rule 19(A) of the Rules of 1997. Furthermore, he fairly concedes that the amendment carried out in the year 2020, reducing the age of superannuation from 60 to 58 years, has been declared ultra-vires and struck down by the Division Bench of this Court in its judgment dated 09.08.2024, and hence, the issue is no longer *res integra*.

8. I have heard learned counsel for the parties and perused the record with their able assistance.

9. The State Government enacted the Punjab Cooperative Societies Act, 1961, and in exercise of powers under Section 85 of the said Act, the Punjab Cooperative Societies Rules, 1963 were framed and promulgated by the State Government. This legislative framework governs the service conditions of the petitioners and is crucial for adjudicating the present matters.

10. Rule 19(A) of the Rules of 1997, initially provided that every employee shall retire on attaining the age of 60 years, except for Peon-cum-Chowkidar who retires at 62 years, however, respondent No. 2, vide letter dated 23.05.2001, amended Rule 19(A) to reduce the retirement age to 58 years, for all employees except Peon-cum-Chowkidar, who shall retire at 60 years. Importantly, a Proviso was inserted to safeguard the employees appointed before this amendment, allowing them to retire under the existing age criteria. Subsequently, respondent No.2, relying on powers under Rule 28 of the Rules of 1963,



again amended Rule 19(A) of the Rules of 1997 vide letter dated 24.09.2020, maintaining the retirement age at 58 years for all employees (except Peon-cum-Chowkidar). This amendment was challenged and after detailed consideration, the Division Bench of this Court in CWP No.16052 of 2020 and connected matters, vide judgment dated 09.08.2024, declared the 24.09.2020 amendment ultra-vires and without legislative approval, thus, set-aside the same.

11. The petitioner(s) case is supported by the judgments passed by the Hon'ble Supreme Court in ***Ramesh Kumar vs. Union of India and others, (2015) 14 SCC 335, Union of India and others vs. K.V. Jankiraman and others, (1991) 4 SCC 109, Deepali Gundu Surwase vs. Kranti Junior Adhyapak Mahavidyalaya (D.Ed) and others*** passed in Civil Appeal No.6767 of 2013 (arising out of SLP(C) No.6778 of 2012, decided on 12.08.2013 and the Calcutta High Court's ruling in FMA No. 1235 of 2024 titled as ***Padmavathi Sakkinala vs. The State of West Bengal and others***, decided on 25.02.2025, whereby it has been categorically held that the principle of 'No Work, No Pay' does not apply when an employee's appointment or promotion is delayed due to the fault of the department, especially where the employee is willing to work but is prevented from doing so by the employer.

12. Further from the perusal of the record, it is evident that the petitioners were forcibly retired at the age of 58 years pursuant to an amendment that has been held ultra-vires by the Division Bench of this Court. The petitioners were otherwise ready and willing to continue



their service up to the original retirement age of 60 years. The principle of “No Work No Pay” cannot be applied mechanically in a scenario where the termination was illegal and the amendment itself has been quashed. The denial of arrears of salary for the intervening period, therefore, amounts to perpetuating the illegality and causes undue hardship to the petitioners. While benefits such as enhanced gratuity and leave encashment have been rightly granted on the basis of notional continuation of service, the petitioners are equally entitled to arrears of salary and increments in accordance with the recommendations of the 6th Punjab Pay Commission, which have been implemented by the respondents w.e.f. 01.03.2023. Accordingly, the petitioners are entitled to the said benefits including two annual increments and interest @ 6% per annum from the date these amounts became due till its actual realization.

13. In view of what has been discussed hereinabove, all the writ petitions are allowed. The impugned order dated 24.07.2025 (Annexure P-5) is quashed to the extent it denies the petitioner(s) arrears of salary for the period between the age of 58 and 60 years. The respondents are directed to release the arrears of salary for the aforesaid period along with two annual increments by duly implementing the recommendations of 6th Punjab Pay Commission. The consequential benefits of enhanced gratuity and leave encashment shall also be released in favour of the petitioner(s). The entire amount shall be paid to the petitioner(s) within a period of three months from the date of receipt

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of a certified copy of this order, failing which the petitioner(s) shall be entitled to interest @ 6% per annum from the date the amount became due till its actual realization.

14. A photocopy of this order be placed on the file of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

16.09.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No