



CWP-26856-2023

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

Serial No. 249

CWP-26856-2023

Decided on:-27.08.2025

Samunder Singh

. . . Petitioner

Versus

State of Haryana and others

. . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rajender Singh Malik, Advocate
for the petitioner.

Mr.Rohit Arya, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed seeking a writ of *mandamus* directing the respondents to grant retiral/pensionary benefits to the petitioner under Old Pension Scheme (for short, 'OPS') as per Office Memorandum (OM) dated 08.05.2023, Annexure P-8, and release the arrears with interest.

2. Learned counsel for the petitioner contended that advertisement 01/2005, dated 09.10.2005, was issued for various posts including the post of Lecturer in Computer Engineering in the respondent-Department of Technical Education. The petitioner was duly selected for the post and issued appointment letter dated 06.03.2007, Annexure P-1. After rendering about thirteen years of service, he tendered resignation on account of family circumstances vide letter dated 04.02.2020, Annexure P-2, which was accepted by the Government vide office order dated 17.03.2020, Annexure P-3, with effect from 31.03.2020. After about three years, the State Government issued OM, dated 08.05.2023, permitting its employees appointed against the posts advertised prior to the date of notification of New



Defined Contributory Pension Scheme (NPS), i.e., 28.10.2005, and covered thereunder on account of joining service on or after 01.01.2006, to give one time option for getting the benefits under the Punjab CSR Volume-II, i.e., Old Pension Scheme (OPS). In terms therewith, the petitioner submitted his option by way of representation, dated 31.05.2023, Annexure P-10, but the benefit was not given to him. Accordingly, he filed the instant petition claiming the benefits of OPS on the ground that he was covered under the OM, as his appointment was pursuant to an advertisement, issued prior to notification of the NPS.

3. Learned State counsel, on the contrary, contends that the petitioner is not entitled to claim the benefits, since the OM has no application in his case. His resignation from service was duly accepted by the Government with effect from 31.03.2020. In terms of Rule 21 of Chapter IV of the Haryana Civil Services (Pension) Rules, 2016, upon resignation from public service, past service of a government employee gets forfeited towards pension and death-cum-retirement gratuity. He further contended that the petitioner was not in service on the date of issuance of OM, and accordingly could not be given benefit of one-time option admissible in terms therewith.

4. Submissions made by learned counsel for the parties have been considered.

5. Undisputedly, the petitioner, who joined as Lecturer in Computer Engineering on 20.03.2007, voluntarily resigned from service vide letter dated 04.02.2020, and the resignation was accepted vide order dated 17.03.2020. The OM under which he is claiming benefits of OPS was issued subsequently on 08.05.2023, which is to the following effect:



5. The State Government, after due consideration, has decided that:

(i) in all cases where the State Government employee(s) / servant(s) has been appointed against a post or vacancy which was advertised / notified for recruitment / appointment, prior to the date of notification for New Defined Contribution Pension Scheme i.e. 28.10.2005 and is covered under the Defined Contribution Pension Scheme (Haryana New Pension Scheme, 2008) on joining service on or after 01.01.2006, may be given a one-time option to be covered under the Punjab CSR Vol.-II (now Haryana Civil Services (Pension) Rules, 2016). This option may be exercised by the concerned State Government employee(s) / servant(s) latest by 31st August, 2023.

Apparently, the option for OPS under Punjab CSR Volume-II was given only to those government employees who were governed under the NPS on joining service on or after 01.01.2006, but had been appointed on the basis of advertisement issued prior to notification of NPS, i.e., 28.10.2005. Although the petitioner had been appointed on the basis of advertisement, dated 09.10.2005, he severed the relation by submitting his resignation from service which was accepted with effect from 31.03.2020, prior to issuance of the OM. Accordingly, not being in service on the relevant date, 08.05.2023, he was not entitled to claim the benefits of OM admissible only to the employees in service.

6. In view thereof, finding no merit in the petition, it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

27.08.2025
Mehak

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No