



CWP-32298-2025

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

Serial No.109

CWP-32298-2025

Decided on:03.12.2025

Veena Rani Chachra

. . . Petitioner

Versus

State of Haryana and others

. . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Manpreet, Advocate for
Mr. Saurabh Bajaj, Advocate
for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to re-fix the petitioner's pensionary benefits by taking into consideration her service from the date of initial appointment, and not from the date of deduction of Contributory Provident Fund (CPF).

2. Reliance has been placed on the law laid down by this Court in CWP-5897-2003 titled *Prem Chand Tagla and others v. State of Haryana and others*, along with connected petitions. It is contended that in terms thereof, the petitioner is entitled to pensionary benefits by counting her service from the date of initial appointment as qualifying service.

3. Learned State counsel has received instructions from the Department vide memo dated 02.12.2025, which is taken on record along with enclosures as Annexure 'A'. It is to the following effect:



- (i) As per rule 5 referred above, the Qualifying services for pension was to be taken into account with effect from the date an employee subscribes contribution towards contributory provident fund and not from the date of initial appointment. In other words the period from initial appointment of such employee till the completion of period of probation was not to be counted towards qualifying service.
- (ii) However, as per Rule 114 referred above, an option was given to the employees, who have completed their probation successfully, to subscribe to the fund for probation period also. In other words, the employees who wanted to get their period counted from the date of initial appointment till completion of probation period counted towards pension and pensionary benefits, could exercise option after the date of successful completion of probation period.
- (iii) Further under the proviso to Rule 114 as per amendment vide Haryana School Education (Amendment) Rules, 2007, a mercy chance was given to those employees who could not exercise their option to subscribe to the Contributory Pension Funds in terms of Rule 114 and as per this amendment, a specific cut-off date was given to the left-over employees which was 90 days from the date of commencement of the amendment rules. In other words, it can be said that Amendment Rules commenced from 01.04.2007 and thus the option given in the amendment rules was to be necessarily exercised within 90 days i.e. upto 30.06.2007.

That as per the record made available from District Education officer Hisar, the petitioner in the present writ petition retired on 28-02-2007 was given chance to exercise option as per



Haryana School Education Rules 2003 in year 2003 and 2007, to count their service from date of appointment and not from date of deduction of CPF. However, the petitioner neither exercised timely option (30.06.2007) nor has submitted any CPF amount in Government treasury.

Referring to the instructions, learned State counsel further contends that despite the chance to exercise option having been granted, the petitioner never opted for counting the period of her service from the date of initial appointment till completion of probation period, towards pensionary benefits.

4. In view of the above mentioned facts, this Court is not inclined to entertain the petition. The petitioner was appointed as Maths Mistress in the Department on 08.10.1974 and deductions towards CPF in her case started with effect from 01.04.1978. She retired from service on 28.02.2007. At that time, the Haryana School Education Rules, 2003 (hereinafter referred to as 'the 2003 Rules') had been notified, but she failed to exercise the option in terms thereof to claim the benefits of service towards pension and retiral benefits from the date of initial appointment. The reliance placed upon the judgment in *Prem Chand Tagla* case (*supra*) is misplaced as the petitioners therein had retired prior to notification of the 2003 Rules, and were not given any option in terms of the Rules for counting the service from the date of appointment.

5. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

03.12.2025

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