



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

**CWP No. 34224-2025(O&M)
Date of Decision:01.12.2025**

Hardeep Kaur

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Mr. H.K.Brinda, Advocate
for the petitioner**

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 04.09.2024 whereby respondent rejected his notice dated 17.08.2024 seeking premature retirement. She is further seeking direction to respondent to refund a sum of Rs.2,68,563,- which she had deposited in lieu of three months' notice.

2. The petitioner joined Punjab Police on 18.11.1993 as Constable. She claims that she is suffering from disc problem. She on attaining age of more than 50 years and having completed service of more than 25 years served notice dated 17.08.2024 upon respondent seeking premature retirement. The notice was served in terms of Rule 3(2) of Punjab Civil Services (Premature Retirement) Rules, 1975 (for short '1975 Rules'). Three months' period was to be completed on 17.11.2024. The respondent vide



communication dated 04.09.2024 rejected her application. She again filed application seeking premature retirement on 04.11.2024. Said application was accepted because petitioner deposited a sum of Rs.2,68,563/- in lieu of three months' notice. The petitioner is claiming that she was orally asked to deposit three months' salary in lieu of notice as a pre-condition to accept her application for premature retirement, thus, she deposited said amount on 05.11.2024. The moment she deposited three months' salary, the respondent on 06.11.2024 accepted application of the petitioner. As per Rule 3(2) of 1975 Rules, the petitioner was not required to deposit three months' salary in lieu of notice. In any case, she had served notice on 17.08.2024 and respondent finally accepted her application on 06.11.2024, thus, there was compliance of requirement of three months' notice.

3. Learned State counsel submits that as per Government Instructions dated 03.08.1977, three months' salary is required to be deposited if notice period is waived. The petitioner submitted application seeking VRS on 04.11.2024 which was accepted on 06.11.2024. The period of three months' notice was waived of because she deposited three months salary on 05.11.2024. The petitioner complied with aforesaid Government Instructions, thus, her VRS application was accepted.

4. The petitioner filed application seeking VRS as per 1975 Rules. The petitioner belonged to Punjab Police Force. Punjab Police Rules, 1934 govern each and every aspect of police officials. There are specific provisions with respect to recruitment, promotion, punishment, appeal, retirement etc. The State Government has framed 1975 Rules which are applicable to all the State Government employees including Police officers.



1975 Rules are specific Rules. In Rule 3(1), it is specifically provided that if three months’ notice period is waived there would be payment of salary of the said period whereas there is no such pre-condition in 3(2) of 1975 Rules. The respondent cannot insert any condition by way of instructions in the Rules. In any case, petitioner could not ask to deposit three months’ salary because at the first instance, she served three months’ notice on 17.08.2024. Without any reason, her application was rejected vide communication dated 04.09.2024. There was no change in the facts and circumstances still application dated 04.11.2024 was accepted because she deposited three months’ salary. As petitioner served three months’ notice and there was no change in facts and circumstances, the notice dated 17.08.2024 was required to be relied upon. There was no occasion for respondent to compel the petitioner to deposit three months’ salary in lieu of notice.

5. In the wake of above discussion and findings, the petition deserves to be allowed and accordingly allowed. The respondents are directed to refund a sum of Rs. 2,68,563/- within three months from today failing which they would be liable to pay interest @ 9% per annum.

6. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

01.12.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	