

2026:PHHC:050532

CWP-18785-2002(O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

209(1st case)

CWP-18785-2002(O&M)

Date of Decision:-01.04.2026

Bhagwat Singh Tanwar.

.....Petitioner.

Vs.

Haryana State Minor Irrigation & Tubewells Corpn. & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. S.P. Arora, Advocate with
Mr. Himanshu Arora, Advocate for the Petitioner.

Ms. Manisha Rani, Advocate for
Mr. R.N. Lohan, Advocate for respondent no.1.

Mr. Piyush Khanna, Additional Advocate General,
Haryana.

HARPREET SINGH BRAR, J.(ORAL)

1. The prayer in the instant writ petition under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari quashing the impugned order dated 7.5.2002 conveyed on 31.05.2022 (Annexure P-14) and a writ of Mandamus directing the respondents to grant him retiral benefits after calculating the same on the basis of last pay drawn by him such as gratuity, leave encashment etc. for the service rendered by him along with interest at the rate of 18% on delayed payment.

2. Learned Counsel for the petitioner *inter alia* contends that the petitioner was appointed as an Assistant Geologist by the Government of India



on 04.12.1965 pursuant to his selection by the UPSC. Thereafter the petitioner was transferred to the Haryana Industries Department, Government of Haryana and he joined his duty on 15.09.1970 without any break in service. Subsequently the petitioner was sent on deputation to the respondent-corporation on 27.10.1972. The Board of Directors of the respondent-corporation took a conscious decision to permanently absorb the petitioner as Senior Geo-Hydrologist-II. On his permanent absorption, the petitioner resigned from the Department of Industries and it was communicated that the terminal benefits admissible to him for the service rendered in the government department be given to him on his absorption in the corporation in public interest vide letter dated 21.02.1976 (Annexure P-5). The petitioner discharged his duties sincerely and earned promotion to the rank of Superintending Engineer and thereafter Director in the rank of Chief Engineer. The petitioner retired on 31.08.1999 on attaining the age of superannuation in the pay scale of Rs.18400-500-22400. The respondent corporation sanctioned a meagre amount of Rs.2,32,870/- as retiral benefits without taking into consideration the last pay drawn in the rank of Chief Engineer. Consequently, the petitioner submitted a representation which was rejected vide impugned speaking order dated 07.05.2002 (Annexure P-14).

2.1 Further, the Counsel submits that the petitioner was absorbed in the respondent corporation in public interest keeping in view his expertise and the petitioner has contributed in enhancing the functional capabilities of the respondent corporation. He further refers to Annexure P-5 i.e. letter dated 21.02.1976 and submits that the respondent corporation has sought the services of the petitioner on permanent basis and now cannot take a U-turn in denying



the pensionary benefits after extracting his services. He further refers to the minutes of the meeting of the Board of Directors held on 20.06.1975 to submit that keeping in view the ground water exploration specialized subject, the Board of Directors clearly indicated that it is necessary to consider the permanent absorption of the petitioner so the functional working of the corporation is not disturbed. As such after utilizing the specialized and valuable expertise of the petitioner, he was never made aware that on superannuation he will not be entitled to any pension.

3. *Per contra*, learned State Counsel as well as counsel for the respondent refers to Annexure P-3 & P-4 and submits that the request of the petitioner was considered and only thereafter he was absorbed in the services of the respondent-corporation. It is further submitted that the petitioner is not entitled to any pensionary benefits in terms of Rule 6.16(2) of the CSR as the pensionary benefits are accruable only to such Government employees who acquire the requisite qualifying service of 10 years. It remains uncontroverted that the petitioner resigned from the Industries Department on his own accord on 28.12.1975 after his initial joining on 16.09.1970. As such, the petitioner has not completed the qualifying service in terms of Rule 6.16(2) *ibid*. Further, the petitioner has admitted in his writ petition in para 18 that he had served the Central Government for more than 10 years and a separate writ petition is being filed for granting those pensionary benefits.

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

5. It transpires that the petitioner was initially appointed as Geologist in the Exploratory Tubewell Organization by the Government of India on



04.12.1965. Subsequently he was selected and appointed as Geologist in the Industries Department, Haryana on 16.09.1970. The service of the petitioner was placed at the disposal of the Haryana State Minor Irrigation and Tubewell Corporation on deputation. The petitioner was permanently absorbed in HSMITC and he tendered his resignation from the Industries Department on 28.12.1975 and he retired from HSMITC on 31.08.1999.

6. Admittedly, the pensionary benefits in terms of Rule 6.16(2) of CSR are accruable only to such Government employees at the time of retirement who acquire the requisite qualifying service of 10 years. It remains uncontroverted that the petitioner resigned from the Industries department on his own accord on 28.12.1975 after his initial joining on 16.09.1970. As such the petitioner has not completed the qualifying service in terms of Rule 6.16(2) *ibid*.

7. Further, the argument raised by the learned Counsel for the petitioner regarding his entitlement to pensionary benefits on the basis of last pay drawn in respondent-corporation as Chief Engineer is totally misconceived. A writ of mandamus is a prerogative writ. Tritely, in the absence of any legal right, the Court cannot exercise the said power. The applicant for an order of mandamus must show that there resides in him a legal right, demanding the performance of a legal duty, by the party against whom mandamus is sought. Reliance in this regard may be placed upon the judgments rendered by the Hon'ble Supreme Court in ***Comptroller & Auditor General of India v. K.S. Jagannathan 1986 INSC 53***, ***Praga Tools Corporation v. C.A. Imanuel 1969 INSC 52*** and ***South Indian Bank Ltd. v. Naveen Mathew Philip 2023 INSC***



8. The petitioner having resigned from the Industries Department and having failed to complete the qualifying service of 10 years as required under Rule 6.16(2) of CSR, possesses no legal right to claim pensionary benefits from the respondent-corporation. Furthermore, the terms and conditions of the petitioner on deputation clearly indicate that he was entitled to the pay scale at the pleasure of the Managing Committee, however, he continued to hold a lien with his parent department. The petitioner cannot be permitted to circumvent the statutory requirement of qualifying service by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution.

9. The High Court, while exercising jurisdiction under Article 226 of the Constitution, must be circumspect in matters concerning pensionary benefits; the Court cannot create a legal right where none exists under the statutory rules.

10. In view of the above discussion, this Court finds no merit in the claim of the petitioner. Accordingly the present petition is dismissed. The impugned order dated 07.05.2002 (Annexure P-14) does not suffer from any illegality or jurisdictional error warranting interference under Article 226/227 of the Constitution of India.

(HARPREET SIGH BRAR)
JUDGE

April 01, 2026
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>