

2026.PHHC.025820



221/2.

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

CWP-6234-2021

Date of decision: 18.02.2026

Kailash Chand

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sonu Bhatia, Advocate, for
Mr. Sukhdev Kamboj, Advocate, for the petitioner.

Mr. Satnampreet Singh Chauhan, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. The instant writ petition has been filed under Article 226 of the Constitution of India, seeking a writ in the nature of certiorari, for quashing the action of respondent No.3 in rejecting the claim of the petitioner for grant of benefit of Old Pension Scheme, vide noting dated 05.11.2020 (Annexure P-12). Further, he has prayed for issuance of a writ in the nature of mandamus directing the respondents to grant him the benefit of Old Pension Scheme under Pension Rules, which was applicable as on 24.07.2000 i.e. when the petitioner had applied for compassionate appointment on account of killing his father by the terrorists, and the fact that his case for compassionate appointment was recommended by respondent No.3, vide letter dated 30.04.2001 (Annexure P-1), however, he was given appointment on 20.12.2004 (Annexure P-3) and by that time, the New Contributory Pension Scheme came into force w.e.f. 01.01.2004, replacing the Old Pension Scheme.

2. Learned counsel for the petitioner has placed reliance upon the notification dated 22.05.2025 issued by the Government of Punjab, Department of Finance ((Finance Pension Policy and Coordination), wherein the Punjab Civil Services Rules, Volume-1, Part-1, have been amended and the said amendment reads as under:-

“1. (1) These rules may be called the Punjab Civil Services (Amendment) Rules, Volume-I, Part-I, 2025.

(2) They shall come into force at once.

2. In the Punjab Civil Services Rules, Volume-I, Part-I, in rule 1.2, in sub-rule (1), after the existing proviso, the following provisos shall be added, namely:-

“Provided further that the rules in Part 1- Pensions and Part II Provident Fund contained in Volume-II of these rules called the Punjab Civil Services Rules, Volume-II, shall also apply to the Government employees who are appointed to the posts mentioned in categories (1) to (5) above on or after the 1st January, 2004, but whose posts or vacancies were advertised for recruitment before 1st January, 2004.

*Provided further that the rules in Part 1-Pensions and Part II-Provident Fund contained in volume-II of these rules called the Punjab Civil Service Rules, Volume-II, shall also apply to the Government employees who have been appointed **on compassionate grounds on or after 1st January, 2004 but where the request by the legal heir for appointment was received before 1st January, 2004 and the concerned legal heir had fulfilled the eligibility criteria i.e. age; education qualification; or any other requirement required for that post before 1st January, 2004.***

Provided further that such employees recruited on or after 1st January, 2004, shall have an option either to opt for the Old Pension Scheme or New Defined Contributory Pension Scheme. In case the employee does not exercise the option within three months from the date of publication of the Punjab Civil Services (Amendment) Rules, Volume-I, Part-1, 2025, such employee shall be deemed to have opted for the New Defined Contributory Pension Scheme.

KRISHAN KUMAR,
Principal Secretary to Government of Punjab,
Department of Finance”

2.1 Learned counsel for the petitioner further submits that the case of the petitioner is squarely covered under the said amendment and the petitioner is entitled for the benefit of Old Pension Scheme. He further submits that the claim of similarly situated person, namely, Lakhwinder Singh, District Vocational Coordinator (Vocational Master, Electrical), in CWP-20176-2022, has been considered by the respondents in terms of said amendment and has been accepted, vide order dated 05.09.2025.

3. Learned State counsel submits that the case of the petitioner shall be re-considered in the light of said amendment to the Punjab Civil Services Rules, Volume-1, Part-1, within a period of three months from the date of receipt of certified copy of this order.

4. Disposed of in the above terms.

5. Needless to mention here that if the petitioner is found entitled to the benefit, as claimed, the necessary exercise shall be carried out in accordance with the relevant rules/instructions within a period of two months and in case the claim of the petitioner is not accepted, speaking order shall be passed by the respondents and be conveyed to the petitioner.

(NAMIT KUMAR)
JUDGE

18.02.2026

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No