



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

216

CWP-2683-2023

Date of Decision: **February 26, 2026**

Vinod Kumar

.....Petitioner

VERSUS

Haryana State Agriculture Marketing Board and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Bhupinder Malik, Advocate for the petitioner.

Mr. Hitesh Pandit, Advocate for the respondents.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India with a prayer for issuance of an appropriate writ or order in the nature of *mandamus* directing the respondents to release the retiral benefits e.g. Pension, Death-cum-Retiral Gratuity (DCRG), Leave Encashment, Medical Allowance etc to the petitioner with interest, within a specific time period after granting him the benefit of 2nd ACP w.e.f. 01.10.2019. Further a prayer is made for issuance of a writ in the nature of *certiorari* for quashing the impugned condition imposed by the respondents in the order dated 30.05.2019 (Annexure P-13) that the benefit of 1st ACP is



being granted subject to the final outcome in ***SLP(C)No.031566-2018***, titled ***'The State of Haryana Vs. Yogesh Tyagi and others'*** pending before Hon'ble Supreme Court because the petitioner was regularized under policy dated 01.10.2003 (Annexure P-2) and not under the policy dated 18.06.2014 (Annexure P-23) which is under challenged before the Hon'ble Supreme Court in ***Yogesh Tyagi's case*** (supra). Further praying for directions to the respondents to grant 2nd ACP to the petitioner which is due from 01.10.2019 with arrears and interest at the rate of 12% per annum.

2. Learned counsel for the petitioner, *inter alia*, submits that the petitioner was appointed as a Tracer/Work Mistri on daily wages in the office of respondent No. 4 on 01.10.1991. His services were terminated on 30.09.1994. Feeling aggrieved, he approached the Labour Court for redressal of his grievance. Vide award dated 03.04.2003, the Labour Court, Ambala ordered reinstatement of the petitioner with continuity of service but without back wages. In purported compliance thereof, the petitioner was allowed to join on the post of Peon on 20.09.2004. On 01.10.2003, the Government of Haryana issued a regularization policy (Annexure P-2) for regularizing the services of ad hoc/daily wage/contractual employees of Group 'C' and 'D'; however, the services of the petitioner were not regularized thereunder. Thereafter, regularization policies were issued from time to time. Ultimately, on 05.08.2014, the services of the petitioner were regularized vide order (Annexure P-8) issued by respondent No. 2 with effect from 01.10.2003. Accordingly, the pay of the petitioner was fixed and



arrears for the period from 01.10.2003 to 05.08.2014 were released to him by respondent No. 1 vide letter dated 10.09.2014.

2.1 Consequent thereto, the petitioner was allotted GPF No. 3764 by the Controller, Finance and Accounts, HSAM Board, who also informed respondent No. 4 to send the pension/GPF share to the respective fund of the petitioner immediately vide letter dated 10.11.2014 (Annexure P-11). On the basis of his regularization, the petitioner was granted the benefit of 1st ACP vide order dated 30.05.2019 issued by respondent No. 3 with effect from 01.10.2013 (Annexure P-13). The petitioner became entitled to the 2nd ACP on completion of 16 years of regular satisfactory service; however, the same was not granted. Instead, his case for grant of 2nd ACP was forwarded by respondent No. 4 to respondent No. 3 vide memo dated 14.10.2019 (Annexure P-15), followed by two reminders dated 20.07.2020 and 18.09.2020 (Annexures P-17 and P-18), respectively. Learned counsel further submits that similarly situated employees, namely Mange Ram (Peon) and Suman Lata (Peon), who were regularized under the same policy, were granted the benefit of 2nd ACP vide orders dated 31.01.2020 and 25.09.2020 (Annexures P-19 and P-20), respectively.

2.2 He further refers to letter dated 28.04.2022 (Annexure P-21) and submits that for release of all retiral benefits, i.e., pension, gratuity and leave encashment, a communication was sent by the competent authority to the Chief Administrator, Panchkula, as the petitioner was due to retire on 31.05.2022. Thereafter, the petitioner retired from service without being granted the benefit of 2nd ACP, and his retiral dues were also not released.



Feeling aggrieved, the petitioner submitted a detailed representation dated 28.11.2022 (Annexure P-22) seeking release of all his retiral dues. He further submits that on the eve of the petitioner's retirement, no charge-sheet or disciplinary proceedings were pending against him, and there was no embargo on the release of his retiral dues, including the benefit of 2nd ACP. Thus, the impugned action of the respondents in not granting the benefit of 2nd ACP and in withholding the petitioner's retiral dues is arbitrary and violative of Articles 14 and 16 of the Constitution of India.

3. *Per contra*, learned counsel for the respondents submits that the retiral benefits of the petitioner were not released on account of the judgment passed by the Division Bench of this Court in ***Yogesh Tyagi's case*** (supra), whereby the policies were scrapped. He submits that the matter is presently pending before the Hon'ble Supreme Court in **SLP (C) No. 31566 of 2018** (supra).

4. In rebuttal, learned counsel for the petitioner submits that the petitioner was neither a party to ***Yogesh Tyagi's case*** (supra) nor the SLP moved before the Hon'ble Supreme Court. He further submits that the policy under challenge in the said case was different from the policy applicable to the petitioner and, therefore, the reliance placed by the respondents on ***Yogesh Tyagi's case*** (supra) is misconceived and contrary to the facts of the present case.

5. I have heard learned counsel for the parties and perused the record with their able assistance. It transpires that the petitioner was



appointed on daily wages on 01.10.1991 and was regularized on 05.08.2014 with effect from 01.10.2003 in terms of the regularization policy dated 01.10.2003 issued by the Government of Haryana. He was granted the benefit of 1st ACP with effect from 01.10.2013. The policy which was under judicial scrutiny in *Yogesh Tyagi's case* (supra) pertains to the year 2014 and is distinct from the policy dated 01.10.2003 under which the petitioner was regularized. Moreover, it is not disputed that another similarly situated employee, namely Sh. Krishan Lal, who retired on 31.03.2021 after the pronouncement of the judgment in *Yogesh Tyagi's case* (supra), was granted all retiral benefits, including pension, gratuity and leave encashment. It is also an admitted position that similarly situated employees, namely Sh. Mange Ram and Smt. Suman Lata, were granted the benefit of 2nd ACP. The respondents have failed to distinguish the case of the petitioner from that of the aforesaid employees. Further still, it is not the case of the respondents that any disciplinary proceedings or charge-sheet was pending against the petitioner at the time of his retirement so as to justify withholding of his retiral dues.

6. In view of the foregoing discussion, the present writ petition is disposed of with a direction to the respondents/competent authority to release all retiral benefits payable to the petitioner, including the benefit of 2nd ACP, together with all consequential arrears. The petitioner shall also be entitled to interest @ 6% per annum on the delayed payment, which shall be computed from the date immediately following the expiry of two months from the date of his retirement till the date of its actual disbursement. The



entire exercise shall be completed within a period of three months from the date of receipt of a certified copy of this order.

7. Pending miscellaneous application(s), if any, shall also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

February 26, 2026
P.C

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No