



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

CWP-12835-2000 (O&M)
Date of decision : 13.02.2026

Sukhwinder Singh Hundal

.....Petitioner

Versus

The State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. P.S. Goraya, Advocate,
for the petitioner.

Mr. Salil Sabhlok, Senior DAG, Punjab.

Mr. Ranjit Singh Kalra, Advocate (Arguing Counsel)
and Ms. Mona Yadav, Advocate,
for respondent No.2-High Court.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. Learned counsel for the petitioner as well as the High Court are heard on the question of admission and also for final disposal.

2. Learned counsel for the petitioner, after arguing, has given up the prayer(s) contained in clause (i), (ii) and (iii), which were the substantial prayers in this petition.

3. This petition was kept alive to find out, in the background of the statement made by the petitioner that despite having submitted his option within a period of three months in terms of the assurance granted vide letter dated 13.02.1998 (Annexure P-4) by the High Court, the option so exercised, did

not materialize to actual and proper fixation of pay scale in the promoted cadre of the petitioner/District & Sessions Judge, pursuant to the promotion of the petitioner dated 16.09.1997.

4. Learned counsel for respondent No.2-High Court has referred to Rule 8 of the Punjab Civil Services (Revised Pay) Rules, 1988 (for short '1988 Rules') (Annexure R-1), which for ready reference and convenience, are reproduced below, along with its amendment:-

“GOVERNMENT OF PUNJAB
DEPARTMENT OF FINANCE
(FINANCE PERSONNEL BRANCH-II)

NOTIFICATION

The 15th May, 1990

No.6/160/89_1FP/II/4380:- In exercise of the powers conferred by the proviso to article 309 read with clause (3) of article 187 of the Constitution of India, and all other powers enabling him in this behalf, the President of India, after consultation with the Speaker of the Punjab Vidhan Sabha insofar as such consultation is necessary in terms of the aforesaid provisions of clause (3) of Article 187, is pleased to make the following rules further to amend the Punjab Civil Services (Revised Pay) Rules, 1988, namely:-

RULES

1. (i) These rules may be called the Punjab Civil Services (Revised Pay) (Third amendment) Rules, 1990.

(2) They shall be deemed to have come into force on and with effect from 14th day of September, 1988.

2. In the Punjab Civil Services (Revised Pay)

Rules, 1988, in rule 8, after the existing proviso, the following shall be inserted namely:-

“Provided further that a Government employee may give option for fixation of his pay on promotion to the effect that-

- (a) his initial pay may be fixed by giving the benefit of two increments in the scale of pay of the higher post as provided under this rule and subject to the provisions contained in the first proviso, without any further review on accrual of increment in the scale of pay of the lower post: or ,
- (b) his pay may be fixed initially by giving him one increment in the scale of pay of the higher post, which may be re-fixed subsequently by giving the benefit of two increments in the scale of pay of the higher post as provided under this rule on the date of the accrual of next increment in the scale of pay of the lower post subject to the provisions contained in the first proviso.

In case, the pay is fixed under clause (b) on pre-page, the next increment to the Government employee shall be granted on the completion of twelve months' qualifying service from the date the pay is re-fixed on the second occasion. The option may be exercised by the Government employee to the Head of his office within a period of one month from the date of his promotion.

In the case of Government employees, who stand promoted during the period commencing

from the 14th day of September, 1988, to the date of publication of the Punjab Civil Services (Revised Pay) (Third Amendment) Rules, 1990 in the Official Gazette, the option may be exercised by them within a period of one month from the date of such publication. The option as aforesaid once exercised shall be final.”

5. From bare perusal of the aforesaid Rule 8, it is obvious that option by the promotee has to be exercised within a period of one month, choosing one of options available under clause (a) or (b) of Rule 8.

6. It is not disputed by learned counsel for the petitioner that the petitioner/promotee exercised his option as late as on 08.12.1997 (Annexure R-III).

6.1. The counsel for petitioner contends that petitioner was persuaded by letter dated 13.02.1998 (Annexure P-4) of Registrar of High Court.

7. Learned counsel for the High Court has drawn our attention to the notification dated 16.01.1998 (Annexure R-9), vide which, the Punjab Civil Services (Revised Pay) Rules, 1998 (for short ‘1998 Rules’) have come into effect w.e.f. 01.01.1996. Pertinently, in the said rules, the period of making of option was extended from one month to three months as per the first Proviso to Rule 6. However, the second Proviso to Rule 5 of 1998 Rules provided thus:-

“Provided further that the right to exercise option shall not be available to a person appointed to a post on or after the First day of January, 1996 (whether for the first time in Government service, or by transfer or

promotion from another post) and he shall be allowed pay only in the revised scale, without any benefit of pay fixation in the revised scale.”

8. From the aforesaid, it is obvious that though 1998 Rules had come into effect from 01.01.1996, but the exercise of option was restricted and was not made available to a person, who had been promoted on or after 01.01.1996.

9. The factual matrix in this case reveals that the petitioner had been promoted from Civil Judge (Senior Division) to Additional District Judge on 16.09.1997, which was after the cut off date i.e. 01.01.1996 and therefore, making of option within three months under the 1998 Rules is not available to the petitioner.

10. As such, 1988 Rules would apply for governing the making of option by the petitioner, pursuant to his promotion dated 16.09.1997, which stipulated a period of one month, which the petitioner failed to avail since he made the option as late as on 08.12.1997.

11. In view of the above, no case for interference is made out and therefore, the petition stands dismissed.

12. Pending application(s), if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

February 13, 2026

Ajay Prasher

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No