

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:020369-DB



LPA-1179-2019 (O&M)
Date of Decision: 10.02.2026

Dr. Ramesh Chand	Vs.	...Appellant
State of Haryana and others		...Respondents

LPA-1702-2019 (O&M)
Date of Decision: 10.02.2026

Dr. Vijay Pal	Vs.	...Appellant
State of Haryana and others		...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Anurag Goyal, Sr. Advocate with
Mr. Nikhil Lather, Advocate,
Mr. Siddharth Sharma, Advocate for the appellant(s).

Mr. Nitin Kaushal, Addl. AG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

1. Since the facts involved in both the appeals are identical, therefore, LPA-1179-2019 and LPA-1702-2019 are being decided by this common judgment. Facts are being extracted from LPA-1179-2019.

2. Learned Single Judge has dismissed the writ petition vide judgment dated 30.01.2019, by observing as under:-

“This order shall dispose of two writ petitions bearing CWP Nos.3125 and 3128 of 2014 as the common issue is involved therein. Unable to show any judgment or ruling that 9/10 years

service of Rajasthan Government can be added to service in Haryana, this petition has to be dismissed for the simple reason that service rendered by the petitioner in a Government department in the State of Rajasthan cannot be counted for any purpose in Haryana including pension by clubbing the two services together for reckoning qualifying service for pension and retirement benefits. The petitioner joined Haryana Government on 15.10.2007 and by that time the New Pension Scheme had come into operation. Relief granted by the department by mistake to one person has been corrected. As per the statement of Mr.Rathee when the written statement was filed that order was under reconsideration and presently stands withdrawn.

No merit. Dismissed.”

3. Before adverting to the judgment of the learned Single Judge, it would be apposite to refer to certain essential facts:-

3.1 The appellant was initially appointed in the State of Rajasthan on 29.07.2000 to the post of Veterinary Officer. He continued to work as such and applied pursuant to a recruitment exercise initiated by the State of Haryana, in the year 2009. Ultimately, the appellant came to be appointed as Veterinary Officer on 01.06.2010, in the State of Haryana.

3.2 The appellant came up with a case before the authorities and before the learned Single Judge that his period of working in the State of Rajasthan be counted towards the length of service in the State of Haryana. Prayer was also made to extend the benefit of the ‘old pension scheme’ by treating the appellant’s entry into service as 29.07.2000.

3.3 Learned Single Judge, however, rejected the claim by observing that no rule or regulation existed for the services rendered in the State of Rajasthan to be counted for the service rendered by the appellant in the State of Haryana.

4. Learned Senior Counsel places reliance upon Rule 4 and 15 of the Rules of 2016, which are extracted hereinafter:-

*“4. Regulation of claims to pension or family pension.
Any claim to pension or family pension shall be regulated by the provisions of the rules in force at the time when a Government employee is retired, discharged or allowed to resign from service or dies, as the case may be.
(15) “pension equivalent to gratuity (PEG)” means the notional amount worked out by applying the following formula :-*

<i>PEG =</i>	<i>(Amount of death-cum-retirement gratuity)</i>	<i>÷</i>	<i>(factor of commutation table x 12)</i>
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Note.— Factor of commutation table is taken from the commutation table against the relevant age next birthday after the date of retirement.”

Reliance is also placed upon Clause 3.17 of the Punjab Civil Services Rules, Volume I, as applicable to the State of Haryana, which is also extracted herein below:-

*“3.17. (a) Government may transfer a Government employee from one post to another; Provided that except—
(1) on account of inefficiency or misbehaviour; or
(2) on his written request; a Government employee shall not be transferred substantively to or, except in a case covered by rule 4.22, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien.”*

Learned Senior counsel also places reliance upon a judgment of the Single Judge of this Court in **Sudarshan Kumari vs. State of Haryana and others**, CWP-5811-2004, decided on 14.11.2023, which has been affirmed by a Division Bench of this Court.

5. Learned State counsel, on the other hand, opposes the claim of the appellant on the ground that the date of entry into service of the appellant is after 01.01.2006 and, therefore, the Rules of 2016, notified on 19.07.2016, would have no application to the facts of the present case. It is also submitted that the earlier Rules and the note contained in Clause 3(a) relied upon by the appellant, would have to be interpreted in view of the subsequent amendments as well as the Rules notified on 19.07.2016. It is also submitted that the judgment of this Court in the case of Sudarshan Kumari (supra) has no applicability.

6. Having examined the respective contentions, we find ourselves to be in complete agreement with the view so taken by the learned Single Judge. The only provision which has been relied upon by the appellant for counting of service is the notification dated 19.07.2016, whereby the Governor of Haryana, has made rules known as Haryana Civil Services (Pension Rules) 2016 [for short 'the Rules of 2016'], by exercising the jurisdiction conferred by the proviso to Article 309 of the Constitution of India. These rules specify as to on whom it would be applicable. Rule 2 of the Rules of 2016, reproduced hereinafter:-

“2. Extent of application.

Except as otherwise provided, these rules shall apply to all Government employees appointed to a post on regular basis on or before the 31st December, 2005 in any Department under Haryana Government.

Note 1.— The Speaker of the Legislative Assembly has agreed under clause (3) article 187 of the Constitution that until a law is made by the Legislature of the State under clause (2) of article 187 of the Constitution or rules are framed by the Governor in consultation with the Speaker of the Legislative Assembly under clause (3) of article 187 of the Constitution of India, these rules and amendments thereof, if any, after prior consent of the Speaker, shall apply to the secretarial staff of the Haryana Legislative Assembly.

Note 2.— The Chairman, Haryana Public Service Commission, has agreed to the application of these rules as amended from time to time, in the case of officers and employees of the Haryana Public Service Commission.

Note 3.— If any doubt arises as to whether these rules apply to any person or not, the decision shall lie with the Finance Department.”

7. The appellant has entered into service of the State of Haryana after 01.01.2006. The Rules of 2016, however, clearly specify that it shall apply to all government employees appointed to a post on regular basis on or before 31.12.2005 in any department under the Haryana Government. By virtue of the provisions contained in Rule 2 of the Rules of 2016, the applicability of Rules notified on 19.07.2016, stands excluded insofar as the present appellant is concerned. The date of entry into service in the State of Haryana of the appellant is after 31.12.2005. In such circumstances, we have no hesitation in rejecting the appellant's contention that the Rules notified on 19.07.2016, would be applicable upon him. For such reason, Rules 4 and 15 of the Rules of 2016, notified on 19.07.2016, would have no applicability to the facts of the present case. So far as note 3(a) of Clause 3.17 of the Punjab Civil Services Rules Volume I, as applicable to the State of Haryana is concerned, we are of the view that the said rule will have to be read in

conjunction with the Rules notified on 19.07.2016, which specifically limits the applicability of pension rules to those who have entered into service on or before 31.12.2005 only. In the facts of the present case, since the date of entry of appellant into service of the State of Haryana is post 01.01.2006, Note 3(a), will also have no applicability to him.

8. The judgment of this Court in the case of **Sudarshan Kumari (supra)** was in the context of a claim of working in the State of Haryana from 1972 to 1974. The petitioner – Sudarshan Kumari was appointed in the State of Haryana on 14.07.1979. In such circumstances, her date of entry into service was prior to 31.12.2005 and consequently the Rules notified on 19.07.2016, were applicable upon her. That being the distinguished feature and the date of entry of the appellant being after 01.01.2006, no parity can be drawn by the appellant with the decision rendered in Sudarshan Kumari (supra).

9. In such circumstances, we do not find any occasion to interfere with the judgment passed by the learned Single Judge dated 30.01.2019. The appeals lack merit and is dismissed accordingly.

10. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

10.02.2026
rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No