207-2

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

LPA-909-2025 (O&M)
Date of decision: 20.02.2026

STATE OF PUNJAB AND OTHERS

....Appellants

Versus

HIRDEJIT SINGH

...Respondent

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

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Present: Mr. Maninder Singh Garcha, Addl. Advocate General, Punjab with Mr. Manminder Singh Maan, AAG, Punjab.

Mr. Sunil Kumar Nehra, Senior Advocate (amicus curiae) with
Mr. Rahil Mahajan, Advocate
Mr. Karan Ranjha, Advocate
for the respondent.

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ASHWANI KUMAR MISHRA, J. (Oral)

1. The State of Punjab has filed the present appeal assailing the judgment of learned Single Judge passed in Civil Writ Petition No.12185 of 2023, decided on 26.11.2024, whereby the writ petition filed by the respondent for release of pension has been allowed, and a further direction has been issued to pay family pension to the widow, after the writ petitioner had died.

2. Undisputed facts of the case are that the respondent-employee was appointed as a Clerk on 08.05.2002. The respondent applied for premature retirement and his plea in that regard was accepted by the appellant-State on 09.11.2022 (Annexure P-2). Various service benefits were granted to the respondent-employee, except pension.

3. It transpires that originally the State of Punjab processed the claim of the respondent for pension, but later an objection came to be filed by the Accountant General, as per which the actual period of working of the respondent

was less than 20 years. This was on account of the fact that certain period during which the respondent was on leave without pay had not been factored in. This presumably was on the premise that the Rules contemplated that the period of leave without pay was not to be counted towards qualifying service. It is for this reason that the pensionary benefits were not released to the respondent. The writ petition in such circumstances came to be filed with the prayer to direct the appellant to release pensionary benefits to the respondent. During the pendency of the writ petition, the employee concerned had died. It is the widow and other family members who have pursued the writ.

4. The learned Single Judge having taken note of the facts of the case has allowed the writ petition on the ground that the order granting premature retirement to the employee concerned dated 09.11.2022 was never recalled, and therefore, the State of Punjab was estopped from assailing the consequence of its own order. In the peculiar facts of the case, it was otherwise noticed that the entitlement to pension and family pension had crystallized in favour of the writ petitioner.

5. Learned State counsel contends that the Rules for voluntary retirement specify the qualifying service to be 20 years, after which such voluntary retirement would be granted. Reliance is placed upon the Punjab Civil Service (Premature Retirement) Rules, 1975 (in short, '1975 Rules'). Rule 3 provides for premature retirement. Rule 3(3)(a), as amended and effective from 07.06.1978 has been relied upon by the appellants, which reads as under:-

> *"(3)(a) At any time after an employee has completed twenty years of qualifying service, he may, by giving notice of not less than three months in writing to the appropriate authority, retire from service."*

6. The State has taken the stand that actual working of the deceased

employee was 17 years, 8 months and 15 days, after excluding the period of leave without pay, and therefore, he had not completed the qualifying service which alone entitled him to premature retirement. No provision in the Rules has, however, been shown to the Court which provides for such exigency.

7. Learned senior counsel for the respondent-petitioner, however, has placed reliance upon Rule 6.16 and 6.16-A of the Punjab Civil Services Rules (Volume II), to state that the qualifying service for pension otherwise is 10 years. Rule 6.16 and 6.16-A are reproduced as under:-

> *"6.16. A Government employee retiring in accordance with the provisions of these rules before completing the qualifying service of ten years shall not be entitled to any pension but he shall be entitled to a service gratuity calculated at the uniform rate of half month"s emoluments for every completed six monthly period of service.*
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> *6.16-A. (1) Full pension to a Government employee, who retires on or after the 1 st day of December, 2011, in accordance with the provisions of these rules, shall be admissible after rendering a qualifying service of twenty-five years and shall be calculated at the rate of fifty per cent of emoluments or average emoluments, whichever is more beneficial to him:"*

8. Having heard learned counsel for the parties, we find that the initial date of appointment of the employee concerned is undisputedly 08.05.2002. His request for premature retirement was accepted on 09.11.2022. This was, thus, after twenty years. The State of Punjab at that stage had not raised any objection to the request made by the writ petitioner for premature retirement. Acting on such acceptance of request for premature retirement, the employee retired prematurely. The State has proceeded on the premise that the employee had completed 20 years of service. It is otherwise undisputed that even though some objections were raised later by the office of the Accountant General, yet the order of premature retirement was never withdrawn/revoked by the State. The

employee had acted on the basis of the order passed by the State accepting his request for voluntary retirement. As a matter of fact, the claim of the respondent was also processed for release of pension and it was only on account of subsequent objection raised by the office of the Accountant General that pension was denied to him.

9. In the facts of the case, we are of the view that the State of Punjab had acquiesced to the request of the employee for voluntary retirement and having forwarded his papers for release of pension, cannot be permitted to resile from its earlier stand, after the employee had accepted its decision of granting him premature retirement. Learned Single Judge, therefore, has not committed any error in directing the State to compute the pension payable to the employee and family pension to be paid to the widow after his death. Clause 6.16 otherwise specifies the qualifying service for pension to be 10 years.

10. In that view of the matter, we find no good ground to interfere with the judgment of the learned Single Judge, and consequently, the appeal fails and is dismissed.

11. We record our appreciation for the assistance rendered by Mr.Sunil Kumar Nehra, Senior Advocate, amicus curiae in the matter.

12. Pending applications, if any, shall stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

FEBRUARY 20, 2026
mohit goyal

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