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

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State of Punjab and others

.....Appellants

Vs.

Lakhbir Singh Gill PIS (A) Retired

.....Respondent

Reserved on : 19.01.2026**Pronounced on : 24.02.2026****Uploaded on : 27.02.2026***Whether only the operative part of the judgment is pronounced?**NO**Whether full judgment is pronounced?**YES***CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present : Mr. Ravneet S. Joshi, DAG, Punjab,
for the appellants.

Mr. Nikhil Sabharwal, Advocate,
for the respondent.

SUDEEPTI SHARMA J.

1. The present Regular Second Appeal is preferred against the judgment and decree dated 12.12.2019 passed by learned Civil Judge (Junior Division), Hoshiarpur, whereby the civil suit filed by the respondent was decreed in his favour as well as against the judgment and decree dated 29.07.2023 passed by learned Additional District Judge, Hoshiarpur, whereby appeal preferred by the appellants against the judgment and decree dated 12.12.2019 was also dismissed.

**BRIEF FACTS**

2. Brief facts of the case are that respondent was appointed as Technical Specialist (Chemical Engineer), in the Department of Industries, on 01.01.1974, in the then pay scale of Rs.350-900. As such the service rendered by respondent with the appellants was 24 years, 09 months i.e. 25 years. Besides this, respondent also worked as Science/Maths teacher in Government Senior Secondary School, Hadiabad (Phagwara), District Kapurthala, on Ad hoc basis in the year 1964-65. From 01.03.1974 to 30.11.1998, respondent rendered uninterrupted government service for a period of 24 years and 9 months. Respondent retired on 30.11.1998 after attaining the age of superannuation, i.e. 58 years, as Senior Technical Officer (Class-I) from the Department of Industries and Commerce, Government of Punjab, in the pay scale of Rs.10,025-15,100. The recommendations of the 6th Central Pay Commission came into effect on 01.01.2006. Consequently, the aforesaid pay scale of Rs.10,025-15,100 stood revised to Rs.15,600-39,100 plus Grade Pay of Rs.7,600. Government of Punjab constituted the 5th Punjab Pay Commission to recommend measures, including revision of pensionary benefits, applicable to pre-01.01.2006 pensioners. The Department of Finance, Government of Punjab, issued Notification-cum-Circular No. 3/23/09-513FPPC/885 dated 17.08.2009 regarding implementation of the recommendations of the 5th Punjab Pay Commission and revision of pension of pre-01.01.2006 pensioners. Para 4.2 stipulated that revised pension shall not be lower than 50% of the minimum of the pay



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in the pay band plus grade pay, subject to pro-rata reduction if qualifying service fell short of 33 years. The Department of Finance issued Notification-cum-Circular No.3/39/09-3-FPPC/201 dated 22.02.2010, partially modifying the circular dated 17.08.2009 by substituting the expression “minimum of the pay” with “initial pay” shown in column 8 of the schedule of the Punjab Civil Services (Revised Pay) Rules, 2009, while retaining the pro-rata clause relating to qualifying service of 33 years. The Department of Finance, Government of Punjab, issued Circular No.3/23/09-3FPPC/1358 dated 15.12.2011 (Exhibit D-1), dispensing with the linkage of full pension with qualifying service of 33 years and providing that once a government employee has rendered minimum qualifying service of 25 years, pension shall be admissible equal to 50% of emoluments or average emoluments of the last ten months, whichever is beneficial. As per Para 3 of the circular dated 15.12.2011, the said orders were made effective from 01.12.2011. On 21.08.2016, Division Bench of this Court in **State of Punjab and others versus A.P. Sharma and others, 2017 (1) SCT 322** held that though the circular dated 15.12.2011 was prospective, it had retroactive effect on pre-01.01.2006 retirees, entitling them to re-fixation of pension w.e.f. 01.12.2011. SLP (C) No. 8123 of 2017 filed against the judgment in **A.P. Sharma’s case (supra)** was dismissed by the Hon’ble Supreme Court, on 04.05.2017. On 30.09.2016, Single Bench of this Court in **Karanvir Singh and others versus State of Punjab and others, 2016 (4) SCT 715** followed the dictum of **A.P.Sharma’s case (supra)** and held



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that pre-01.01.2006 retirees are entitled to re-fixation of pension as per circular dated 15.12.2011 w.e.f. 01.12.2011, with consequential benefits. The Department of Finance, Government of Punjab, issued Circular No.4/13/2013-1-FPTC/1035969-1 dated 02.08.2017 (Exhibit P-2), implementing the judgment dated 30.09.2016 passed in CWP No. 2866 of 2014 titled as 'Karanvir Singh versus State of Punjab and others'. On 10.03.2018, the respondent served legal notice upon the appellants seeking revision of his pension with effect from 01.12.2011 (Exhibit P-3A). On 26.07.2018, the Indian Audit and Accounts Department addressed letter to the Director of Industries and Commerce regarding revision of pension of the respondent, Sh. Lakhbir Singh Gill, with effect from 01.12.2011, requesting submission of the revised pension case complete in all respects. On 01.10.2018, the appellants refused to revise the pension and issued a letter (Exhibit P-9), relying upon Para 4 of the circular dated 02.08.2017 and the pro-rata clause relating to qualifying service of 33 years.

3. On 15.10.2018, respondent instituted civil suit seeking declaration and mandatory injunction for revision of pension with effect from 01.12.2011 along with arrears. Vide judgment and decree dated 12.12.2019, learned Civil Judge (Junior Division), Hoshiarpur, decreed the suit in favour of the respondent, holding that he had rendered 25 years of qualifying service and was entitled to revised pension w.e.f. 01.12.2011 under the circular dated 15.12.2011. Vide judgment and decree dated 29.07.2023, learned Additional District Judge, Hoshiarpur, dismissed the



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appeal filed by the appellants/State and affirmed the judgment and decree dated 12.12.2019. Hence the present regular second appeal.

SUBMISSIONS OF LEARNED COUNSELS FOR THE PARTIES.

4. Learned counsel for the appellants contends that both the Courts erred in law by treating 25 years rule as universally applicable by ignoring Para 2 of notification dated 13.06.2012 and Para 4 of notification dated 02.08.2017. He further contends that 25 years rule would apply only to employees in service on 01.12.2011, whereas, respondent retired on 30.11.1998. He further contends that both the Courts equated re-fixation of pension with entitlement of full pension. Further that judgment passed by this Court in **Karanvir Singh's case (supra)** has been misread by both the Courts. He therefore prays that the present appeal be allowed.

5. *Per contra*, learned counsel for the respondent contends that both the Courts have rightly decreed the civil suit filed by the respondent and dismissed the appeal filed by the appellants. He further contends that no substantial question of law arises for consideration in the present regular second appeal, therefore, it deserves to be dismissed.

6. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

7. Admittedly, respondent retired on 30.11.1998 as Senior Technical Officer (Class-I) from the Department of Industries, Punjab. Since, he joined service on 01.01.1974, therefore, he remained in service for 24 years and 09 months i.e. 25 years.



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8. Government of Punjab, Department of Finance, vide letter dated 13.06.2012, notified that all the government employees, who had rendered minimum qualifying service of 25 years would be entitled to full pension equal to 50% of last emoluments. This notification applied to only those employees, who retired on or after 01.01.2006. Vide another letter dated 02.08.2017 based on the decision of this Court, Government of Punjab conveyed to all the Heads of the Department to implement the Court orders and revise the pension of both pre and post 2006 employees.

9. Exhibit D-1 is notification dated 15.12.2011 issued by the Department of Finance, Government of Punjab as per which, it was ordered that w.e.f. 01.12.2011 the linkage of full pension with qualifying service of 33 years is to be dispensed with. Further that once a government employee has rendered minimum qualifying service of 25 years, pension shall be admissible equal to 50% of emoluments or average emoluments received during the last 10 months whichever is beneficial to him.

10. Exhibit D-3 is notification of Government of Punjab, Department of Finance, dated 02.08.2017, wherein it has been notified by the Government of Punjab as under:-

“Pensioners who are pre and post 01.01.2006 retirees from various departments, and had filed Civil Writ Petition before this Court for re-fixation of their pension as per circulars dated 17.8.2009 and 22.2.2010 after quashing of the instructions issued by the Department of Finance vide letter No.3/39/09-31FPPC/576 dated



*13.6.2012 in view of the increase in the pay scales, grade pay and in terms of the decision dated 22.10.2013 passed by this Court in **CWP No.25733 of 2012** tilted as '**A.P.Sharma and others v. State of Punjab and others**'.*

11. Para No.2 of the letter dated 13.6.2012 referred to in Para-1 above is reproduced as under:-

“The matter has been considered in the light of the prevailing policy of the Government and it is reiterated that as per Para 4.2 of Government letter No.3/23/09-3FPPC/885, dated 17.8.2009 as modified and supplemented vide Government Letter No.3/39/09-3FPPC/201 dated 22.02.2010. The pension of the pre 01.01.2006 pensioners is to be revised only once with reference to the initial pay of revised scale of pay as on 01.01.2006 and the subsequent re-revision of scales of pay has no co-relation, whatsoever with the pension of such pensioners. Similarly the pension of those pensioners, who are retiring from 01.01.2006 onwards, is relatable only to the 'pay' drawn in the admissible scale of pay at the time of their retirement and it has no co-relation, whatsoever with the re-revision of pay scales from any subsequent date. It is, therefore, requested that necessary action in the matter may please be taken accordingly.”

12. This Court disposed of **CWP No.2866 of 2014** titled as **Karanvir Singh & Ors. Vs. State of Punjab & Ors.** and other connected writ petitions vide order dated 30.09.2016 and held as under:-

“Present case is squarely covered by the said authority of the Division Bench and therefore it has to be held that the pre 1.1.2006 retirees are entitled to refixation of pension as per circular dated 13.12.2011 and circular issued by Government from time to time but without retrospective effect, namely, only from the date competent authority made it effect w.ef 1.12.2011. Their pension is to be accordingly fixed.



Now, the question would arise what is to be the position regarding post 1.1.2006 retirees. In above noted A.P.Sharma's judgment, the Division Bench has held that circular dated 15.12.2011 is retroactive. It is held to be effective from 1.12.2011. The result would be that those employees, who retired between 1.1.2006 and 1.12.2011 shall also be entitled to the same benefit and their pension is to be accordingly fixed to be effective from 1.12.2011 in the revised pay scales which have been made applicable from 1.1.2006.

Hence, it is ordered that the pre 1.1.2006 retirees are entitled to re-fixation of their pension as per circular dated 15.12.2011 and circulars issued by Government from time to time without any retrospective effect, namely only from the date when the competent authority made it effective w.e.f. 1.12.2011 in terms of judgment of Division Bench of this Court in A.P. Sharma's case (supra). Consequently, post retirees who retired between 1.1.2006 and 1.12.2011 are also entitled to re-fixation of the pension but without retrospective effect, namely, from the date when competent authority made it effective w.e.f. 1.12.2011. On account of re-fixation of the pension, other consequential benefits will also follow.

Necessary follow-up action be taken within three months from the date of receipt of a certified copy of this judgment.

In view of what has been discussed above, all the writ petitions allowed.”

The above decision is based on the decision in **LPA No. 352 of 2014** titled as **State of Punjab & others Vs. A.P. Sharma & others** which was decided by the Division Bench of this Court on 31.08.2016.

The Government of Punjab has already issued instructions vide letter No. 4/13/2013-1FPPC/1010607/1 dated 27.06.2017 for implementation of orders of this Court dated 22.10.2013 in **CWP No. 25733 of 2012** titled as **A.P. Sharma**



& ors Vs. State of Punjab & ors in respect of pre 01.01.2006 retirees. As regards post 01.01.2006 retirees, the State Government has also decided to implement the judgment in **CWP No. 2866 of 2014** titled as **Karanvir Singh & ors Vs. State of Punjab & ors** in respect of post 01.01.2006 retirees also. As such pension of post 01.01.2006 retirees (those who retired between 01.01.2006 and 01.12.2011) may be re-fixed w.e.f. 01.12.2011 in accordance with pay scales revised by the Government of Punjab for various categories of the employees after 01.01.2006 subject to the condition that revised pension, in no case shall be lower than 50% of the initial pay and family pension in no case shall be lower than 50% of the initial pay of pay scales revised after 01.01.2006 in respect of that post. However, such pension/family pension shall be suitably reduced pro-rata, where the qualifying service of the person falls short of 33 years (as per instructions No.3/39/09-3FPPC/201 dated 22.2.2010).”

13. Exhibit D-2 is letter dated 01.10.2018 from Director Industries and Commerce, Punjab to the respondent, wherein it has been mentioned that as per Para 4 of the notification dated 02.08.2017, the respondent is not entitled to revised pension. Para 4 of the notification dated 02.08.2017 is reproduced as under:-



*“4. The Government of Punjab has xx xx xx xx xx xx
However, such pension/family pension shall be suitably
reduced pro-rat, where the qualifying service of the
pension falls short of 33 years (as per instructions
No.2/39/09-3FPPC/201 dated 22.2.2010).”*

14. A perusal of the above referred to letters shows that appellants totally mis-interpreted notification dated 02.08.2017. In the notification itself, there is mention of the Civil Writ Petition No.2866 of 2014 titled as ‘Karanvir Singh and others Vs. State of Punjab and others’, wherein this Court vide order dated 03.09.2016 held as under:-

“It is to be held that the pre 01.01.2006 retirees are entitled to re-fixation of pension as per circular dated 15.12.2011 and circular issued by the Government from time to time but without retrospective effect namely only from the date competent authority made effected w.e.f. 01.12.2011.”

15. Para No.4 of the notification dated 02.08.2017 relied upon by the appellants in Exhibit D-2 is in fact relating to the employees who retired post 01.01.2006 and in no way applicable to the respondent, since the notification itself is dated 02.08.2017 and respondent retired on 30.11.1998.

16. As per Punjab Government notification dated 15.12.2011, respondent has rendered 25 years of qualifying service, which is admitted by the appellants as well.

17. DW-1 in his examination-in-chief stated that the respondent had joined the service on 01.03.1974 and retired on 30.11.1998. As per Rule 6.1 of Section 1 Chapter 6 Punjab Civil Service Rule Volume II, the amount of



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pension that is to be granted is determined by length of service. It further provides that fraction of a year equal to three months and above shall be treated as a completed six monthly period for the purpose of calculation of any pension admissible to such an officer who has completed 10 years of qualifying service. Therefore, as per Rule 6.1 of Section 1 Chapter 6 Punjab Civil Service Rule Volume II, respondent rendered 25 years of qualifying service and his case is squarely covered by the Punjab Government notifications dated 13.06.2015 and 15.12.2011. He is therefore held entitled to revised pension w.e.f. 01.12.2011.

18. So far as the judgments referred to by learned counsel for the appellants are concerned, the same are distinguishable since the issue in the present regular second appeal has already been decided by this Court on 31.08.2016 in **A.P.Sharma's case (supra)**, which is upheld by Hon'ble the Supreme Court and in **Karanvir Singh's case (supra)**, whereby after relying upon the judgment passed by the Division Bench of this Court in **A.P.Sharma's case (supra)**, this Court held pre 01.01.2006 retirees entitled to refixation of pension as per circular dated 15.12.2011 w.e.f. 01.12.2011.

19. In view of the above discussion, I do not find any infirmity or illegality in the judgment and decree dated 12.12.2019 passed by the learned Civil Judge (Junior Division), Hoshiarpur, as well as in the judgment and decree dated 20.04.2023 passed by the learned Additional District Judge, Hoshiarpur, and the same are affirmed.



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20. Consequently, the present appeal is **dismissed**, being devoid of merits. Parties are left to bear their own costs. Decree sheet be drawn.

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

(SUDEEPTI SHARMA)
JUDGE

24.02.2026

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No