

CWP-12193-2026

2026:PHHC:060974



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

122

CWP-12193-2026
Date of Decision: 22.04.2026

Vijay Pal

.....Petitioner

VERSUS

Haryana Power General Corporation Limited (HPGCL) and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Rajesh Kumar Kadian, Advocate for the petitioner.

Mr. Piyush Khanna, Addl. AG Haryana.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ or order in the nature of *certiorari* for quashing the retrospective application of office order No.176/Finance dated 04.03.2009 (Annexure P-1) to the extent it prescribes 01.01.2006 as the cut off date for HPGCL employees being illegal and arbitrary and directing that the said order shall be operative only prospectively from 04.03.2009 instead of retrospective effect from

CWP-12193-2026

2026:PHHC:060974



01.01.2006 the cut off date applicable to the employees of the Haryana Government not for HPGCL employees. Further praying for issuance of a writ in the nature of *mandamus* directing the respondents to issue a new notification at the earliest and in any event prior to the petitioner's date of retirement on 30.06.2026 in lieu of the earlier withdrawn notification regarding the old pension scheme dated 31.08.2023 (Annexure P-4) which was subsequently withdrawn on 30.04.2025 (Annexure P-5). Further directing the respondents to consider the claim of petitioner for extension of benefits under Old Pension Scheme by treating 04.03.2009 as the cut off date instead of 01.01.2006 with all consequential benefits. Further directing the respondents to implement and provide the benefits of the old pension scheme to petitioner within a period of 30 days from the date of order of this Court in light of fact that respondent No.1 formally adopted the New Pension Scheme only on 04.03.2009 (Annexure P-1).

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is presently serving as Operator Grade-II with respondent No.2. It is submitted that the petitioner was recruited pursuant to advertisement dated 09.11.2007 (Annexure P-2) and joined service on 24.02.2009 (Annexure P-3). It is further submitted that the respondents adopted the New Defined Contributory Pension Scheme vide notification dated 04.03.2009 and made the same applicable retrospectively with effect from 01.01.2006. Learned counsel submits that respondent No.2, being a separate legal entity, is not bound by the cut-off date of 28.10.2005 prescribed by the State of Haryana

CWP-12193-2026

2026:PHHC:060974



for implementation of the said Scheme with effect from 01.01.2006. It is further contended that the respondents issued a corrective notification dated 31.08.2023 (Annexure P-4), which, however, was arbitrarily withdrawn on 30.04.2025 without addressing the anomaly in the cut-off date. Aggrieved thereby, the petitioner served a legal notice dated 20.01.2026 (Annexure P-7), but the same has remained unconsidered.

3. On advance notice, Mr. Piyush Khanna, learned Additional Advocate General accepts notice on behalf of respondents No.3 and 4. He submits that the present writ petition seeking issuance of a writ in the nature of *mandamus* is premature, inasmuch as the representation/legal notice submitted by the petitioner has neither been considered nor rejected by the competent authority. It is contended that it is a settled proposition of law, as consistently held by the Hon'ble Supreme Court, that a writ of *mandamus* ordinarily does not lie unless a demand has been made and the same has been declined or left undecided for an unreasonable period. However, learned counsel fairly submits that the legal notice dated 20.01.2026 (Annexure P-7) submitted by the petitioner shall be duly considered and decided by the competent authority by passing a reasoned and speaking order within a time-bound period.

4. In view of the above without commenting upon the merits of the case, the present petition is disposed of and the respondent No.1/competent authority is directed to hear and decide the legal notice dated 20.01.2026 (Annexure P-7) by passing a speaking order in a time

CWP-12193-2026

2026:PHHC:060974



bound manner in accordance with law, after affording an opportunity of hearing, within a period of two months from the date of receipt of a certified copy of this order. The decision so taken shall be duly communicated to the petitioner.

5. Needless to observe, in the event the petitioner is found entitled to the relief(s) claimed, the same shall be released/extended to him expeditiously in accordance with law.

6. Pending miscellaneous application(s), if any, be also disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

22.04.2026

Puneet Chawla

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