



CWP-14639-2020 (O&M)

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

CWP-14639-2020 (O&M)

Date of Decision: 17.03.2026

MAHESH CHANDER

... petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.C. Arora, Advocate for the petitioner.

Mr. Vikas Sonak, Assistant Advocate General, Punjab.

None for respondent no. 2.

HARPREET SINGH BRAR, J. (Oral)**CM-5924-CWP-2025 in CWP-14639-2020**

The present application has been filed under Section 151 CPC for permission to place on the record the replication to the written statement filed by respondents No. 3 and 4.

In view of the grounds mentioned in the application, the same is allowed, as prayed for, subject to all just exceptions. Replication is ordered to be taken on record.

Registry is directed to place the same at the appropriate place.

CM-5928-CWP-2025 in CWP-14639-2020

The present application has been filed under Section 151 CPC



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for permission to place on the record the replication to the written statement filed by respondent No. 1.

In view of the grounds mentioned in the application, the same is allowed, as prayed for, subject to all just exceptions. Replication is ordered to be taken on record.

Registry is directed to place the same at the appropriate place.

CM-17254-CWP-2025 in CWP-14639-2020

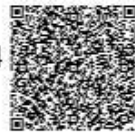
The present application has been filed under Section 151 CPC for permission to place on the record the copy of letter dated 13.10.2025 as Annexure P-14.

In view of the grounds mentioned in the application, the same is allowed, as prayed for, subject to all just exceptions. Copy of letter dated 13.10.2025 is ordered to be taken on record as Annexure P-14.

Registry is directed to place the same at the appropriate place.

Main case

The present petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ in the nature of *mandamus* seeking direction to respondents no. 3 and 4 to release the contribution towards gratuity and pension aggregating to Rs.7,67,273/- along with interest thereon for the period from 16.10.1981 to 31.12.1996, during which period the petitioner was serving under them, prior to being absorbed in the Local Government Department, and for directing respondents no. 1 and 2 to refund the amount of Rs. 2,59,736/- (got deposited from the petitioner, on retirement, for giving him full pension, on the grounds that under instructions dated 02.12.2005 (Annexure P-11), the



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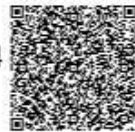
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respondents no. 3 and 4 are under legal obligation to make the aforesaid contribution towards payment of gratuity and pension to the petitioners for the period during which the petitioner served under them prior to being absorbed in the Local Government Department.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner, after serving the Irrigation Department from 16.10.1981 to 31.12.1996, joined the Department of Local Government on deputation. Thereafter on 15.11.2000, the petitioner alongwith others were absorbed in municipal service and retired. On 31.03.2015, the petitioner retired from Municipal Committee, Nabha as Assistant Mechanical Engineer. On 04.09.2017, the Municipal Council, Nabha wrote to respondent no.3 to release contribution of Irrigation Department for Leave Encashment, Gratuity, Pension to the Local Government. On 04.10.2019 another reminder (Annexure P-7) was sent. Learned counsel for the petitioner further submits that the retiral benefits of the petitioner towards the service rendered in the Irrigation Department from 16.10.1981 to 31.12.1996 has not been released till date and submits that the case is squarely covered by the judgment rendered by this Court in CWP 19401 of 2013 decided on 05.07.2019 titled as ***Vimal Kumar v. State of Punjab and others*** (Annexure P-12).

3. Learned State counsel appearing for respondents no.1, 3 and 4 is not in a position to controvert the fact that the petitioner has served the Irrigation Department from 16.10.1981 to 31.12.1996 and also could not distinguish the case of the petitioner from the petitioner in the case titled as ***Vimal Kumar case (supra)***.

4. There is no representation on behalf of respondent no.2.



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However, the contesting respondents are respondents no.3 and 4 and are duly represented.

5. I have heard learned counsel for the parties and have perused the record with their able assistance.

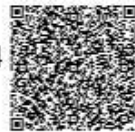
6. The Co-ordinate Bench in the judgment **Vimal Kumar v. State of Punjab and others** has considered the Instructions dated 02.12.2005 (Annexure P-11) and observed the following:-

...7. Having heard the learned counsels for the parties and after careful perusal of the pleadings, especially the instructions dated 02.12.2005 (Annexure P-10), I am of the view that the stand taken by respondents No.1 to 3 in its affidavit dated 25.10.2017 does not stand the judicial scrutiny.

8. My attention has also been drawn to an affidavit dated 09.07.2015 filed by Director-cum-Special Secretary, Department of Local Government, Punjab, wherein following categorical stand has been taken on behalf of the State

“That Department is of the view that either the Department of Irrigation or the petitioner has to pay the amount of pensionary benefits for the service rendered by him in the Department of Irrigation as per policy of the department dated 02.12.2005 (Annexure R-2/2) to fulfill the condition of Rule 8(4) of Pension Rules, 1994 and gratuity and leave encashment along with interest @ 12% p.a from date of absorption. Further, the Department of Irrigation is also required to refund the amount of leave salary and pension contribution deposited by the Municipal Corporation/Council for the period the petitioner remained on deputation in the Municipal Services. The Examiner, Local Fund Accounts, Punjab has agreed with the above view of this department. Thereafter, a meeting was fixed on 29.09.2014 and it was decided in the meeting to take necessary action as per the advice of the Examiner, Local Fund Accounts, Punjab and Respondent No.5 be advised to take necessary action.

From the above, the Executive Engineer, Communication



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Division, RSD-Shahpurkandi Township has only made payment to the petitioner regarding leave salary and pension contribution. The case regarding payment of Death-cum-Retirement Gratuity and lump-sum pension of the petitioner has neither been prepared/ forwarded For Subsequent orders see COCP-1700-2020 to the Accountant General (A&E), Punjab as per Rule 5.3(2) of Punjab Civil Services Rules, Volume-II nor they have paid/ transferred the amount of the leave encashment and gratuity payable to the petitioner for the services rendered in their department though a claim thereof has been forwarded by the Respondent No.3, amounting to Rs.4,08,071/- and Rs.2,47,316/- (total Rs.6,55,387/-) respectively along with interest. It is humbly prayed that the petitioner may be directed to submit his pension papers as per Rule 5.3 (2) of Punjab Civil Services Rules, Volume-II, to the Respondent No.5 for release of Death-cum-Retirement Gratuity and lumpsum pension and the Respondent No.5 may be further directed to make necessary payment to the petitioner or Respondent No.3 on account of their liability.”

9. *A conjoint reading of circular dated 02.12.2005 (Annexure P- 10) alongwith the candid stand of the State taken in the affidavit dated 09.07.2015 (Annexure P-11), especially in para 8 as reproduced above, filed in another proceedings i.e. CWP-21639-2013 leave no ambiguity to hold that the petitioner is entitled to the benefit as envisaged under circular dated 02.12.2005 (Annexure P-10) which has been rightly interpreted by a later affidavit filed by the Special Secretary, Department of Local Government, Punjab.*

7. In view of the above admitted position, the writ petition is allowed and respondents no.1, 3, and 4 are directed to grant the benefit of service rendered by the petitioner w.e.f. 16.10.1981 to 31.12.1996 in the Department of Irrigation and is further directed to release the admissible amount on account of contribution of gratuity, leave encashment and other



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pensionary benefits arising therefrom alongwith the interest @ 06% per annum, to be calculated after two months of date of retirement of the petitioner till its actual realization and also to refund the amount of Rs. 2,59,736/- (got deposited from the petitioner) to the petitioner alongwith interest @ 06% per annum.

8. The aforesaid exercise shall be undertaken expeditiously and in any case within a period of three months from the date of receipt of a certified copy of this order.
9. Pending miscellaneous application(s), if any, shall also stand disposed of.

17.03.2026
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(HARPREET SINGH BRAR)
JUDGE

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