

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

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CWP-18310-2021

Date of Decision : February 24, 2026

DISHA WADHWA

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Shubhkarman Singh Gill, Advocate
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana.

Ms. Supriya Garg, Advocate
for the respondents No.2 to 4.

KULDEEP TIWARI, J. (ORAL)

1. Through the present writ petition, the petitioner impugns the order dated 02.06.2021 passed by the respondent No.4- District and Sessions Judge, Panipat, whereby her claim for counting the period of service rendered from 01.11.2016 to 04.02.2019 in the office of respondent No.3- District and Sessions Judge, Mansa, for the purpose of pay protection, was rejected.

2. At the outset, learned counsel appearing on behalf of the respondents No.2 to 4 submits that the controversy inhering the present writ petition is no longer *res integra*, as the same had earlier emerged for consideration before a Division Bench of this Court in **CWP-7694-1998** titled "**Mrs. Ranjit Nahar vs. State of Punjab**". The said writ petition was dismissed vide order dated 02.08.2000, whereby the action of the authorities in declining to count past service rendered in a different State for service

benefits was upheld. It is submitted that the order dated 02.08.2000 has attained finality.

3. It is further submitted that the same issue was subsequently considered by a LPA Bench of this Court in ***LPA No.2191 of 2024 and connected appeals***. The LPA Bench, placing reliance upon the ratio laid down in the order dated 02.08.2000, dismissed the appeals vide order dated 17.02.2025 and declined to grant the relief of counting previous service rendered in another State. The relevant paragraphs of the order drawn by the LPA Bench read as under:-

*“2. All the appellants (writ petitioners) are aggrieved of action of respondents in not taking in account, services rendered by them in State of Haryana for the purpose of qualifying service for computing pensionary benefits after their retirement from service from a post while serving State of Punjab. It is a conceded position that all appellants (writ petitioners) were serving State of Haryana in various capacities, before their appointment with State of Punjab. Appellants – Mohinder Singh and Nirmala Devi were serving Education Department as Science Master and JBT teacher respectively and appellant – Jasvinder Singh was serving as Weldor Instructor in the State of Haryana. All the appellants sought inclusion of period of service rendered by them with State of Haryana for the purpose of computing pensionary benefits. Their claim was denied by respondents on the ground that circular dated 20.05.1982 relied upon by appellants, to claim the benefit is not applicable, as there is no reciprocal arrangement between States of Haryana and Punjab and that there did not exist any policy or decision according to which service rendered by employee in State of Haryana prior to his/her joining the State of Punjab could be counted for the purpose of computing pensionary benefits. Reliance was placed upon decision dated 02.08.2000 by Division Bench of this Court in CWP-7694-1998 titled **Mrs. Ranjit Nahar versus State of Punjab**. It is further explained that State of Punjab did have a reciprocal arrangement with Central Government and State of*

Himachal Pradesh for sharing proportionate pensionary liability in respect of those temporary employees who had rendered service under Central/State Government subject to certain stipulations but as State of Punjab did not have any such reciprocal arrangement with State of Haryana, benefit as claimed could not be afforded to the appellants.

8. Factual aspect as is pleaded regarding service of appellants with State of Haryana prior to their induction in service with State of Punjab is a matter of record, narration of details thereof in each case is not being repeated for the sake of brevity. Question as raised for consideration in all these appeals is as to whether appellants are entitled to benefit of service rendered by them with State of Haryana prior to their induction in service with State of Punjab. Reliance was placed on instructions dated 14.05.1986 besides notification dated 26.02.1990. At this juncture, it is relevant to refer to Regulation 2.36 of Punjab Financial Rules (Vol.1) Chapter VI titled Inter-Governmental and Inter-Departmental Transactions in regard to Inter-Government transactions, which reads as under:-

“ 2.36. (1) Subject to the relevant provisions of the Constitution and of the order issued thereunder by the President of India, adjustments in respect of financial transactions with the Union, or other State Government will unless otherwise provided for, be made in such manner and to such extent as may be mutually agreed upon between the Punjab Government and the Union Government or the State Government concerned.

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Note.-Incidence of charges, viz. leave salary, pension, etc., arising out of inter-governmental deputation of individual Government employees would continue to be regulated by the rules laid down in Appendix 3-B to Account Code. Volume I as reproduced in Appendix 3 of the Punjab Financial Rules, Volume II. (Previously it was note 2)”

9. Punjab Financial Rules (Vol.II), Appendix 3, deals with incidence of pay, allowance, pension etc. It refers to agreements with other Governments (other than Jammu and Kashmir) regarding incidence

of pay and allowances, leave salary, cost of passages, pensions, rents of buildings etc., etc. Introductory passage reads as under:-

“The rules regulating the incidence of pay, leave, passage and pension, etc., charges of Government employees as well as certain other charges and receipts between Governments which are set out in this appendix are based on arrangements agreed between the different Governments and are, therefore, binding on all of them.”

10. Amendment in the incidence of pension and leave salaries as referred to by learned counsel for appellants was carried out vide notification dated 26.02.1990. Perusal of above clearly reveals that until and unless there is reciprocal arrangement/decision between State of Punjab and State of Haryana, provisions as referred to by learned counsel for appellants would have no applicability. Division Bench of this Court vide order dated 02.08.2000 in CWP-7694-1998, dismissed a similar, in fact identical claim raised by petitioner therein, who had earlier served as Teacher with Government Middle School in District Hisar, State of Haryana before joining as Head Mistress with State of Punjab. It is specifically observed in order dated 02.08.2000, that reliance on instructions, which would govern the incidence of pension of employees of State with which State of Punjab had a reciprocal agreement, would have no application in a situation where no such arrangement with the State of Punjab existed. It was held that no Rule or notification had been brought to notice of the Court which mandated State of Punjab to count service of Government employee who may have rendered service with State of Haryana. Similar is the situation as on today before us. In view of specific Rules to which there is no challenge, we do not find any ground for interference or any merit in the argument raised by learned counsel for appellants that such a treatment to appellants is discriminatory.”

4. Learned counsel for the petitioner has been unable to controvert the factual submissions advanced on behalf of the respondents No.2 to 4, nor has he been able to distinguish the case at hand from the precedents cited.

5. In light of the above, and in view of the fact that the issue raised herein stands settled by the Division Bench and reaffirmed by the LPA Bench of this Court, this Court finds no justification to take a view different from the one already taken. The present writ petition, being devoid of merit, is accordingly **dismissed**.

February 24, 2026
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(KULDEEP TIWARI)
JUDGE

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