

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2995-2008 (O&M)

STATE OF HARYANA AND ORS.

..Appellants

Versus

BISHAMBER NATH BHUTANI

..Respondent

Reserved on: 30.04.2026

Pronounced on : 06.05.2026

Uploaded on : 08.05.2026

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. Harish Nain, AAG, Haryana.

Mr. Anuj Gupta, Advocate

Mr. Naveen Jhajholia, Advocate
for respondent.

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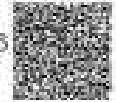
SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 19.11.2005 passed by learned Civil Judge (Senior Division), Bhiwani as well as judgment and decree dated 04.08.2006 passed by learned District Judge, Bhiwani, whereby, civil suit filed by the respondent was decreed in his favour and appeal filed by the appellants against the same was dismissed, respectively.

2. On 18.08.2009, this Court passed the following order:-

“CM No. 8835-C of 2008.

For the reasons given in the application, delay of 661 days in filing the appeal is condoned. CM stands disposed of accordingly.



RSA No. 2995 of 2008.

Learned counsel for the appellants relies upon a Division Bench judgment of this Court in Dr. Rakesh Kumar Grover v. State of Haryana and others, 2006(2) SLR 658, to contend that the pensionary benefits are not payable to the plaintiff-respondent.

The issue raised in the present appeal is "Whether the plaintiff is entitled to pensionary benefit having submitted resignation before completion of 20 years of service?" The said issue has been referred for decision to the Larger Bench in State of Haryana v. Dr. (Mrs.) Sudha Seth (RSA No. 13 of 2009).

Admitted.

To be heard along with RSA No. 13 of 2009."

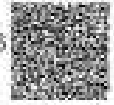
3. In RSA-13-2009, the following question of law was referred to Full Bench of this Court:-

"Whether a government employee on resignation forfeits his past service for purposes of pensionary benefits?"

4. This Court in **RSA-13-2009, titled as State of Haryana and others Vs. Dr. (Mrs.) Sudha Seth**, by relying upon the judgment passed by Hon'ble Supreme Court in **Ghanshyam Dass Relhan Vs. State of Haryana and others, 2009 (14) SCC 506**, has held as under:-

"We also consider it just and appropriate to deal, in the first (We instance, with Rule 6.16(2) of the Punjab Civil Service Rules, Volume II, Part 1 which is repeatedly the basis of a claim for pensionary benefits, at the hands of government employees, who having resigned from service on completion of qualifying service in excess of 10 years. Rule 6.16(2) aforementioned is being extracted hereunder:-

"6.16(2). In the case of a Government employee retiring on or after the 1st April,

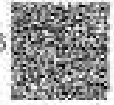


1979, in accordance with the provisions of these Rules after completing qualifying service of not less than thirty-three years or more, the amount of superannuation, retiring, invalid and compassionate pensions shall be 50% of average emoluments as defined in Rule 6.19C of these Rules subject to a maximum of Rs.3,000/- per mensem. However, in the case of a Government employee who at the time of retirement has rendered qualifying service of ten years or more but less than thirty-three years, the amount of pension shall be such proportion of the maximum admissible pension as such the qualifying service of thirty-three years, subject to a minimum of Rs.375/- per mensem.”

Based on the aforesaid Rule, employees who have completed 10 years or more qualifying service, prior to severing their ties with their employer, by resigning from service, claim pensionary benefits.

In our considered view, the benefit of Rule 6.16(2) certainly cannot be available to an individual who had severed his relationship with his/her employer by way of resignation. The aforesaid Rule is applicable only to an individual who has retired from service. The benefit of Rule 6.16(2) aforementioned can, therefore, be availed of only by a person who retires on superannuation or invalid and compassionate grounds.

It is also necessary for us to make a reference to Rule 3.17A (d) of the Punjab Civil Service Rules, Volume II, Part I, which has been noticed in the reference order. The instant Rule has been the basis of denial of

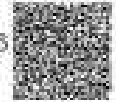


pensionary benefits to a government employee, who had resigned from service. The same is being extracted hereunder:

"3.17A (d). Resignation from the public service or dismissal or removal from it for misconduct, insolvency, inefficiency, not due to age, or failure to pass a prescribed examination will entail forfeiture of past service in terms of Rule 4.19(1) of the Punjab Civil Service Rules Volume 11."

A perusal of the aforesaid Rule reveals, that a government servant, who resigns from service will forfeit his past service. In other words, the entire service rendered by an employee who has severed his relationship with his employer by virtue of his resignation, stands completely forfeited, and as such, cannot be made the basis of claiming pensionary benefits.

The aforesaid stance of the government has to be resolved, in view of the conclusion expressed by us hereinabove, on the basis of Rule 5.32A(a) (extracted above). In our considered view, the aforesaid Rule is not an absolute Rule, inasmuch as, Rule 5.32A (a), extracted hereinabove, is an exception to the aforesaid Rule. As such, a person who has qualifying service of a minimum of 30 years prior to tendering his resignation, will still be entitled to retiral benefits. The aforesaid retiral benefits at the discretion of the State government, can extend to an individual, who has 25 or more years of qualifying service. Rule 3.17A extracted above will, therefore, result in forfeiture of service (in a claim for pension) where the qualifying service rendered by a government employee is less than 25/30 years (as the case may be) as per Rule 5.32A (extracted above).



The reference extracted at the inception of this order is, accordingly, answered in the manner expressed above.”

5. In the present case, the respondent joined Health Department as Pharmacist on 25.09.1974 on ad hoc basis. He was regularized on 30.12.1976 and resigned from the post of Pharmacist on 13.03.1986, therefore, he rendered 11 years 5 months and 11 days of service.

6. In view of the above, the respondent did not fulfill minimum qualifying service of 30 years and resigned after 11 years 5 months and 11 days of service. Therefore, in view of the above referred to law laid down by Hon'ble Supreme Court in **Ghanshyam Dass Relhan's case (supra)** and law laid down by Full Bench of this Court in **Dr. (Mrs.) Sudha Seth's case (supra)**, he would not be entitled to pensionary benefits. The question of law framed in the present case is therefore answered in favour of the appellants-State and against the respondent.

7. Consequently, judgment and decree dated 19.11.2005 passed by learned Civil Judge (Senior Division), Bhiwani and judgment and decree dated 04.08.2006 passed by learned District Judge, Bhiwani is hereby set aside.

8. Accordingly, the present regular second appeal is **allowed.**

9. Decree sheet be prepared accordingly.

10. Pending miscellaneous applications, if any, are also disposed of.

06.05.2026

Ayub/Saahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*