



CWP-15664-2023

:1:

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

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**CWP-15664-2023 (O&M)
Date of decision : 10.02.2026**

DALBIR KAUR

..... Petitioner

VERSUS

STATE OF PUNJAB AND ORS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Mr. A. K. Walia, Advocate
for the petitioner.

Mr. N. P. S. Hira, DAG, Punjab.

Deepinder Singh Nalwa, J. (Oral)

1. In the present writ petition, the petitioner has challenged the order dated 17.08.2022 (Annexure P-5), passed by respondent No.4 vide which the claim of the petitioner for refixation of her pensionary benefits by adding a period of 05 years to her qualifying service for superannuation pension, has been rejected.

2. Brief facts of the case are that the petitioner is a person with disability i.e. orthopedically handicapped. The petitioner was given compassionate appointment under the handicapped category on the post of Art and Craft Teacher vide appointment letter dated 25.01.1993 (Annexure P-3). The petitioner retired on 31.03.2010 after attaining the age of

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superannuation. At the time of retirement, the petitioner had rendered a qualifying service of 17 years.

3. After retirement, the petitioner served a legal notice dated 04.07.2022 (Annexure P-4) claiming that in terms of Rule 4.2 (4) of the Punjab Civil Services Rules, Volume-II (hereinafter referred to as 'the Rules'), as applicable to her, she was entitled to add a period of 05 years to her qualifying service for superannuation pension. The legal notice was duly considered by the respondents. However, the claim of the petitioner was rejected vide letter dated 17.08.2022 (Annexure P-5). A perusal of the reply (Annexure P-5) to the legal notice would show that the claim of the petitioner has been rejected on the ground that as the petitioner was appointed on compassionate grounds, as such, Rule 4.2(4) of the Rules, would not be applicable in case of the petitioner. Aggrieved against the abovesaid letter dated 17.08.2022 (Annexure P-5), the petitioner has filed the present writ petition.

4. Learned counsel for the petitioner submits that a perusal of Rule 4.2(4) of the Rules, would show that a Government employee who is blind, deaf, dumb or otherwise orthopedically handicapped or widow at the time of entry into Government service shall be eligible to add a period of 05 years to his/her qualifying service for superannuation pension. It is the case of the petitioner that as she was orthopedically handicapped (Annexure P-1) at the time of entry into service, as such, she is entitled for grant of benefit of 05 years as a qualifying service for superannuation pension.

5. Learned counsel appearing on behalf of the respondents submits that Rule 4.2(4) of the Rules, is not applicable to the petitioner as petitioner

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was offered appointment on compassionate grounds and her entry into service was not under the handicapped category. It is also the case of respondents that the present petition is liable to be dismissed on the ground of delay and laches.

6. After hearing the learned counsel for the parties at some length, a perusal of the facts of the case would show that it is an admitted fact that the petitioner was orthopedically handicapped at the time of appointment, which is clear from the appointment letter dated 25.01.1993 (Annexure P-3). A perusal of Rule 4.2(4) of the Rules, would show that a Government employee who is orthopedically handicapped at the time of entry into Government service shall be eligible to add a period of 05 years to his/her qualifying service for superannuation pension. The relevant extract of Rule 4.2(4) of the Rules, is reproduced as under:-

“4.2(4) A Government employee who is blind, deaf, dumb or otherwise orthopedically handicapped or widow at the time of his entry into Government Service, shall be eligible to add to his service qualifying for superannuation pension a period of five years.”

7. A perusal of the aforesaid rules does not show that the same will not be applicable in the case of employee who has been offered compassionate appointment. Since it is an admitted fact that the petitioner was orthopedically handicapped at the time of entry into service, as such she is held entitled to add to her service qualifying for superannuation pension a period of 05 years.

8. In regard to the contention raised by the counsel appearing on behalf of the respondents that the present writ petition is liable to be



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dismissed on the ground of delay and latches, it is well settled law that pension is a recurring cause of action and as such, the claim of the employee for grant of pension cannot be rejected on the ground of delay and latches.

9. In view of above, the present writ petition is allowed. The respondents are directed to add to the service qualifying for superannuation pension, in the case of petitioner, a period of 05 years and to refix the pension of the petitioner and release the arrears of pension within a period of three months from the date of receipt of certified copy of this order.

10. Pending application(s), if any, shall also stand(s) disposed of accordingly.

(DEEPINDER SINGH NALWA)
JUDGE

10.02.2026
Rimpal

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