



220-CWP-17039-2025

-1-

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

CWP-17039-2025

Date of decision: 21.04.2026

Rattan Deep Singh**....Petitioner.**

Versus

State of Punjab and another**....Respondents.**

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY, JUDGE**

Present:- Mr. S. S. Panag, Advocate,
for the petitioner.

Mr. Vipin Pal Yadav, Addl. AG, Punjab.

Mr. Shreenath A. Khemka, Advocate, (arguing counsel)
Ms. Tvesha Gupta, Advocate,
for respondent/High Court.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

This petition has been filed by a retired Additional Civil Judge (Senior Division), who retired on attaining the age of superannuation on 30.09.2022, seeking the following reliefs -

- (i) *Writ of certiorari or any other appropriate writ be issued quashing the order dated 20.10.2023 passed by respondent No. 2 (Annexure P-12)*
- (ii) *Writ of mandamus be issued directing the respondents to grant the pension to the petitioner as per the (Annexure P-9)*
- (iii) *Writ of mandamus be issued directing the respondents to pay the Gratuity and other dues to the petitioner.*
- (iv) *or to issue any other writ or direction which the Court may deem fit in the facts and circumstances of the case.*



220-CWP-17039-2025

-2-

2. This petition has a chequered history, which seems to be delineated in a chronological manner thus: -

Date	Events
October 1998	Punjab Public Service Commission (PPSC) advertised 24 posts of Civil Judges for recruitment to Punjab Civil Services (Judicial Branch).
14.12.1999	Petitioner was offered appointment as Civil Judge (Junior Division).
23.05.2002	In a Full Court meeting of this Hon'ble Court, a committee of four Hon'ble Judges was formed to look into the allegations related to the 'Ravi Sidhu Scam'.
30.05.2002	Report was submitted by the Committee of the four Hon'ble Judges.
12.08.2002	This Hon'ble Court in a Full Court Meeting accepted the report dated 30.05.2002 and made recommendations to terminate the services of Judicial Officers of all four batches pertaining to the years 1998, 1999, 2000 and 2001.
06.11.2002	Services of petitioner was terminated pursuant to recommendations made in the Full Court Meeting.
2003	Petitioner filed CWP No. 3591 of 2003 challenging his termination. * This was adjourned sine-die to await decision of the Full Bench.
07.07.2003	Full Bench judgment was delivered which dismissed similar petitions.
09.01.2004	CWP No. 3591 of 2003 was disposed of in terms of Full Bench judgment dated 07.07.2003.
03.05.2006	Full Bench decision dated 07.07.2003 was challenged in the Hon'ble Supreme Court where it was partially allowed and thereby set aside on 03.05.2006 in <i>Inderpreet Singh Kahlon and others v. State of Punjab and others, 2006 (11) SCC 356</i> and the matter was remanded to this court for reconsideration.
27.05.2008	Full Bench of this court in <i>Sirandeep Singh Panag v. State of Punjab and others, 2008 (4) SLR, 432</i> allowed the writ petitions of similarly situated candidates and directed reinstatement.
2008	Petitioner whose case was not decided along with others in judgment dated 27.05.2008 filed CM No. 12505 of 2008 to recall earlier order dated 09.01.2004 disposing of his CWP No. 3591 of 2003 in terms of Full Bench judgment of this Court dated 07.07.2003, and list his said writ petition for hearing on merits in terms of judgment dated 27.05.2008 of this Hon'ble High Court. * This CM was adjourned sine-die as the Hon'ble Punjab and Haryana High court had filed SLPs before the Hon'ble Supreme Court challenging the order dated 27.05.2008.
18.03.2010	Supreme Court upheld reinstatement of untainted candidates with conditions.
13.09.2013	CM No. 12505 of 2008 dismissed on the premise that order dated 09.01.2004 had attained finality.

**220-CWP-17039-2025**

-3-

10.07.2014	Special Leave Petition bearing SLP no. (C) 8915 of 2014 was filed by Petitioner aggrieved by the order dated 13.09.2013. Hon'ble Supreme Court granted liberty to file a review petition within four weeks.
11.12.2015	Review Application No. 504 of 2014 was allowed; writ was restored for hearing.
07.11.2016	Writ petition allowed; reinstatement of the petitioner was directed on the same terms as applicable to similarly situated candidates.
04.08.2017	Petitioner was reappointed in service.
03.05.2018	CWP No. 5127 of 2015 was allowed by the Division Bench of this Hon'ble High Court in which other batch mates of the Petitioner and the officers belonging to 1999 and 2000 batches, who were similarly placed in the National Pension Scheme has challenged the decision of bringing them under the new pension scheme and sought bringing them under the Pension Scheme of General Provident Fund (old pension scheme).
28.12.2020	Petitioner submitted representation for bringing his services under the Pensionary Scheme of General Provident Fund and not under National Pension Scheme on the ground of parity and equality on the basis of judgment dated 03.05.2018 in CWP No. 5127 of 2015.
10.05.2021	Petitioner was shifted to GPF (old pension scheme) and allotted a new GPF Number.
30.09.2022	Petitioner retired as Additional Civil Judge (Sr. Division), Talwandi Sabo, District Bathinda on attaining the age of superannuation.
07.02.2023	Representation was filed by Petitioner seeking release of pension, grant of due increments, and refund/adjustment of amounts under the National Pension Scheme.
29.05.2023	GPF amount was released.
20.10.2023	Pension denied; only 7 years 10 months 20 days qualifying service was recognized as against the required minimum service period of 10 years as per Rule 6.16 of Punjab Civil Services Rules, Vol-II and was thus held entitled only to service gratuity, subject to clearance of departmental examination.
22.11.2024	Fresh representation filed by Petitioner reiterating his claim for pension, counting of the entire period of service (including the period spent out of service due to illegal termination), and grant of increments.
20.12.2024	Limited relief was granted: one grade increment; pension still denied.

3. We have heard learned counsel for the rival parties.

4. Learned counsel for the petitioner does not dispute that the actual service rendered by the petitioner falls short of the requisite minimum qualifying service of 10 years, as required for entitlement to



220-CWP-17039-2025

-4-

pension for a retired employee under Rule 6.16 of the Punjab Civil Services Rules, Volume II.

5. The relevant statement showing the qualifying service of the petitioner is reproduced below: -

STATEMENT SHOWING QUALIFYING SERVICE

1. Name of the Govt. Employee	:	Sh. Rattan Deep Singh
2. Father's name	:	Sh. Dhani Ram
3. Date of Birth	:	12.09.1962
4. Designation of the post from which retiring	:	Addl. Civil Judge (Sr. Div.) Talwandi Sabo
5. Date of Appointment	:	03.01.2000 and service terminated on 13.11.2002 reappointed on 14.09.2017 FN
6. Date of Retirement	:	30.09.2022
7. Total Gross Service	:	07 Years 10 Month 03 Week 03 Days
8. Less Non-qualifying Service		Y M D
1. Extra Ordinary Leave not qualifying for pension	...	
2. Period of suspension not treated as qualifying for Pension	...	
3. Any other service not treated as qualifying for Pension	14	09 16
Total	...	
9. Balance qualifying service		07 Years 10 Month 03 Week 03 Days

Civil Judge (Sr. Division)
Bathinda

6. The Apex Court has decided this controversy vide its judgment rendered on 18.03.2010, titled '*High Court of Punjab and Haryana at Chandigarh vs. State of Punjab and others*', 2010 (11) SCC 684, whereby, in paragraph 32, following directions were given: -

'32. The candidates who are to be given reappointments are entitled to the period of service which was rendered by them would be reckoned for the purpose of pension. They would not be entitled to get any arrears of salary or any financial benefits consequent upon the reappointment. The period of service rendered by these candidates would also be reckoned for the purpose of ACP/promotion. Actual service be counted for the purpose of pension and fixation of notional increments without any financial benefits or arrears.'



220-CWP-17039-2025

-5-

7. From the aforesaid, it is evident that the intention of the Apex Court was to count the actual service rendered by the petitioner and other similarly placed persons. Learned counsel for the petitioner also does not dispute that the actual service rendered by the petitioner is only 07 years 10 months 03 weeks and 03 days.

8. Learned counsel for the petitioner wants to read some thing which is not there in the directions contained in *paragraph 32* of the Apex Court judgment rendered on 18.03.2010 (*supra*).

9. The expression '*actual service*' means the service actually and physically rendered by the petitioner and not any notional service. We have to go by the decision of the Apex Court dated 18.03.2010 (*supra*) and we cannot deviate therefrom.

10. Learned counsel for the petitioner also does not deny that no other equally situated candidate has been given the benefit of counting the notional service for the purpose of counting the pensionary benefits.

11. In view of above, this petition fails and is hereby dismissed without costs.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

21.04.2026

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No