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

CWP-26358-2023

Date of decision: 26.02.2026

KUSUM LATA KAUSHIK**....Petitioner**

Versus

STATE OF HARYANA AND ANOTHER**....Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Rajeev Godara, Advocate with
Ms. Divya Godara, Advocate and
Mr. Jaijeet Singh, Advocate
for the petitioner.

Mr. Saurabh Girdhar, Asstt.A.G., Haryana.

Mr. Rajesh Gaur, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J (Oral):

1. The present petition has been filed under Article 226/227 of the Constitution of India, praying for issuance of a writ in the nature of *Certiorari*, for quashing the notice/order dated 12.10.2023 (Annexure P-8) passed by respondent No.2, vide which order dated 19.02.2021, allowing honorarium in lieu of pension, has been withdrawn and the petitioner has been directed to immediately deposit the payment of honorarium drawn by her from 01.10.2020 till date.

2. On 23.11.2023, the following order was passed:-

“In the instant writ petition, the petitioner groused with before this Court is relying upon ‘Clause IX’ of the letter dated 24.12.2020 (Annexure P-3) for grant of Honorarium in lieu of pension of the retrenched employees who were adjusted thereafter in other Government Undertakings/Board/Corporations, which stated that the Honorarium will be granted only



to those retrenched and later on adjusted employees of HSMITC who are not getting any other such type of pension benefits from any State Government or other Department/ Board/Corporation etc. as per their policy. Now vide Annexure P-8, the notice has been issued to the petitioner for deposit of amount of Honorarium back in lieu of pension, alleging the same to be illegally withdrawn and on account of executing and filing misleading affidavit dated 14.01.2021. However, according to the petitioner, the said affidavit was executed in the eventuality of getting superannuated by the UHBVNL, Panchkula, whereby she was fully eligible for grant of fixed Honorarium in lieu of pension as per policy issued by the State Government. But the said affidavit nowhere would mean that the petitioner will not be entitled pensionary benefits after execution of the said agreement.

Notice of motion.

Mr. Rajesh Gaur, Advocate, who is present in the Court accepts notice on he asking of the Court and prays two weeks' time to file reply, if any.

The said reply shall be filed at least 03 days prior to the next date of hearing with a copy in advance to learned counsel for the petitioner.

Adjourned to 15.12.2023."

3. Learned counsel for respondent No.2 refers to the application submitted by the petitioner for grant of fixed honorarium in lieu of pension (Annexure P-5) and submits that she had resigned from her job. As such, in terms of Clause (VI) of the letter/circular (Annexure P-3) regarding grant of honorarium in lieu of pension to the retrenched and adjusted employees, the petitioner is not entitled to honorarium as per Clause (VI) *ibid*, which clearly stipulates that the retrenched employees, who were adjusted in pursuance of the notification dated 21.06.2006 and not joined or resigned from the service on any ground during their service tenure, would not be entitled for honorarium.

4. Learned counsel for respondent No.2 further relies upon the



judgment passed by a Coordinate Bench of this Court in **CWP-7695-2021** titled as ***Kulwinder Singh Vs. State of Haryana and others***, decided on 30.10.2023 (Annexure R-3) and submits that the controversy involved in the present case has already been considered and decided.

5. In rebuttal, learned counsel for the petitioner submits that aforesaid Clause (VI) is not applicable to the case of the petitioner. He further submits that in pursuance to the retrenchment, the petitioner has rather joined UHBVNL and his case would be covered by Clause (IX), which provides that Honorarium will be granted only to those employees, who were retrenched and adjusted in Haryana State Minor Irrigation & Tubewells Corporation (for short 'HSMITC') and were not getting any other pension benefits from any State Government or other Department/Board/ Corporation etc. as per their policy.

6. I have heard learned counsel for the parties and perused the record with their able assistance. It transpires that there is no denial to the fact that the petitioner is a retrenched employee of erstwhile HSMITC. The Government of Haryana has taken a conscious decision to wind up the aforesaid Corporation and an option was given to the retrenched employees to join any other Department. Further, the retrenched employees were given the benefit of honorarium as they will not be receiving any pension in view of the service rendered by them. The policy was circulated on 24.12.2020 (Annexure P-3) and the terms and conditions of the same read as under:-

"I. As the former HSMITC employees were adjusted after 01.01.2006 at per decision of the Govt. in other Departments. The other employees of the departments are getting pension as per rules but these retrenched employees, later on adjusted, are not getting pension as they were covered under NPS. So, being welfare State,



the State Govt. has considered the issue of these employees for grant of Honorarium. Therefore, the name of scheme be called as "HSMTC Honorarium Scheme for adjusted employees".

II. The payment of Honorarium shall be applicable with effect from 01.10.2020 (1st October 2020). On monthly basis, no DA, and other allowances will be applicable in this scheme.

III. The Scheme shall be applicable to only those retrenched employees of HSMITC who were adjusted later on in other Department Board/ Corporation.

IV. The retrenched employee of HSMITC who are adjusted in other department and are presently working shall be entitled for this scheme after their retirement.

V. Neither spouse (Widow/Widower) nor their legal heir of deceased employees would be entitled for this Honorarium scheme.

VI. The retrenched employees who was adjusted in pursuance of the notification dated 21.06.2006 but not joined or resigned from the service on any ground during his service tenure would not be entitled for Honorarium.

VII. The retrenched employees who were more than 55 years of age and were not eligible for adjustment in terms of said notification dated 21.06.2006 would not be entitled for this Honorarium scheme.

VIII. The annual/half yearly life certificate shall be taken in the same manner as is being taken in the regular pensioners of the State Government.

IX. The Honorarium will be granted only to those retrenched and later on adjusted employees of HSMITC who are not getting any other such type of pension benefits from any State Government or other Department/Board/Corporation etc. as per their policy.

In case, it is found that he/she is already getting any other kind of pension, then this Honorarium will be stopped with immediate effect and the said employee will be liable to refund such paid amount of Honorarium form the receiver with interest @9% per annum. If, the eligible retrenched and adjusted employee is getting old age pension of the State then he/she shall surrender the same before getting the fixed Honorarium in lieu of pension in the said policy.”

7. The reliance placed on the judgment rendered by a Coordinate



Bench of this Court in ***Kulwinder Singh***'s case (*supra*), by learned counsel for respondent No.2, is totally misconceived, as this Court in the said judgment has interpreted Clause (VI) of the Policy to conclude that the retrenched employees who have not joined or resigned from service would be not entitled to Honorarium. However, the petitioner has joined the service of UHBVNL and continued to work till 30.08.2012 when the notice given by him for voluntary retirement was accepted. As such, case of the petitioner is squarely covered under Clause (IX) of the Policy.

8. In view of the above, the present wit petition is allowed and the impugned order dated 12.10.2023 (Annexure P-8) is hereby set aside. The petitioner is entitled to the relief claimed based on the doctrine of legitimate expectation, as retrenched employees are often granted Honorarium in terms of the policy so as to support them financially and to mitigate their hardship.

9. Pending miscellaneous application(s), if any, also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

26.02.2026
monika

1. Whether speaking/ reasoned :	Yes /No
2. Whether reportable :	Yes /No