

CWP-16295-2018(O&M)

2026.PHHC.076843



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

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CWP-16295-2018(O&M)
Date of Decision: 07.05.2026

Bahadur Singh and others

.....Petitioners

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. M.S. Joshi, Advocate for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. P.I.P Singh, Advocate for respondent No.2.

Ms. Manjot Kaur, Advocate for Mr. Deep Kamal, Advocate for respondents No.3 to 75.

HARPREET SINGH BRAR, J. (Oral)

1. The petitioner has approached this Court by way of the present writ petition under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of *mandamus* directing the official respondents to grant the petitioners and respondents No.3 to 75 General Provident Fund (GPF) scheme and permanent pension scheme with all consequential benefits in view of judgment dated 31.08.2010 passed in *CWP-2371-2010, Harbans Lal Vs. State of Punjab and others* (Annexure ZP-6) and judgment dated 23.01.2013 passed in CWP-1432-2012 (Annexure

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P-7) and because similarly situated employees of other corporations of Punjab are getting the same benefits in similar circumstances, as the petitioners are regularly working as regular drivers in the Punjab Health System Corporation for the last about 20 years and joined in service as Driver long before the year 2004.

2. The principal grievance raised by the petitioners in the present writ petition pertains to the denial of the benefit of the General Provident Fund (GPF) Scheme and pensionary benefits despite long years of service rendered by them. Learned counsel for the petitioners submits that the petitioners are entitled to counting of their past service rendered prior to regularization for the purposes of qualifying service towards pensionary benefits. In support of the aforesaid contention, reliance has been placed upon the judgment rendered by the Division Bench of this Court in ***Harbans Lal (supra)***, wherein benefit of past service was directed to be counted for pensionary purposes. It is contended that once the petitioners have continuously served the respondent-Corporation for a substantial period and stand regularized, they cannot be deprived of retiral benefits available to similarly situated employees under the State.

3. *Per contra*, learned counsel for the respondents has opposed the claim raised in the present writ petition and submits that the reliance placed by learned counsel for the petitioner upon ***Harbans Lal (supra)*** is wholly misconceived and misplaced. It is contended that the judgment rendered in ***Harbans Lal (supra)*** was based upon Rule 3.17-A of the Punjab Civil

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Services Rules, Volume-II, which specifically governs employees serving under the Government of Punjab and forming part of pensionable establishments. Learned counsel submits that respondent No.2-Corporation is an autonomous Corporation and is not a pensionable establishment under the Punjab Civil Services Rules. It is further argued that the employees of the respondent-Corporation are governed by separate service conditions and no statutory provision, regulation or policy has been brought to the notice of this Court entitling the petitioners to the benefit of the GPF Scheme or old pension scheme. Learned counsel further submits that parity cannot be claimed merely on the basis that employees of some other Corporations are being granted pensionary benefits, as each Corporation has independent service rules, financial structure and governing regulations. On the aforesaid premises, prayer has been made for dismissal of the present writ petition.

4. I have heard learned counsel for the parties at considerable length and have gone through the paper-book as well as the judgments relied upon by the respective parties with their able assistance. Admittedly, the petitioners were appointed during the period from 1997 to 2002 as Drivers under the respondent-Corporation and have continued in service for a considerable length of time. However, the mere fact that the petitioners have rendered long service would not ipso facto confer upon them a legal right to claim coverage under the GPF Scheme or the old pension scheme in the absence of any statutory rule, regulation or policy applicable to the respondent-Corporation.

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5. This Court finds substance in the submission advanced on behalf of the respondents that the judgment rendered in *Harbans Lal (supra)* was delivered in the peculiar facts of that case while interpreting Rule 3.17-A of the Punjab Civil Services Rules. The petitioners herein have failed to place on record any material to establish that the provisions of the Punjab Civil Services Rules relating to pension are applicable to the employees of respondent No.2-Corporation. No rule, regulation, notification or administrative instruction has been produced before this Court to demonstrate that the establishment of the respondent-Corporation is a pensionable establishment or that its employees are governed by the old pension scheme/GPF Scheme.

6. This Court is further of the opinion that in exercise of powers under Articles 226/227 of the Constitution of India, no direction can be issued to frame, introduce or enlarge the scope of a pension scheme in the absence of any statutory mandate. The petitioners have not been able to demonstrate infringement of any vested legal or statutory right. In substance, the prayer made in the present petition seeks extension of a pensionary framework to the employees of respondent No.2-Corporation, which essentially falls within the administrative and policy-making functions of the competent authorities and not within the scope of judicial review.

7. In view of the aforesaid facts and circumstances, this Court does not find any merit in the present writ petition warranting interference in exercise of extraordinary writ jurisdiction under Articles 226/227 of the

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Constitution of India. Consequently, the present writ petition stands dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

07.05.2026
Puneet Chawla

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