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

262 CWP-31155-2025 (O&M)
Date of Decision: **30.04.2026**

Dilbag Singh

.....Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present *:* Mr. Sandeep Thakan, Advocate for the petitioner.

Mr. Piyush Khanna, Addl. AG Haryana.

Mr. Prince Singh, Advocate for respondents No.2 to 4.

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HARPREET SINGH BRAR, J. (Oral)

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 15.07.2025 (Annexure P-12) and to direct the respondents to release the pension and pensionary benefits to the petitioner as per Old Pension Scheme (OPS) along with interest @ 24% per annum.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner had applied for the post of Assistant Lineman pursuant to an advertisement issued in the year 1997 (Annexure P-1). Owing to protracted litigation, the petitioner ultimately came to be appointed on 15.01.2009 in terms of the judgment rendered by a Division Bench of this Hon'ble Court in LPA-14-2008 (Annexure P-3). It is further submitted that the Finance Department, Government of Haryana, vide notification dated 22.08.2008 (Annexure P-6), introduced the New Pension Scheme (NPS) with effect from 01.01.2006.

2.1 Subsequently, the Finance Department issued an Office Memorandum dated 08.05.2023 (Annexure P-7), clarifying that employees who were appointed after 01.01.2006 against vacancies advertised prior to 28.10.2005 would be entitled to the benefit of the Old Pension Scheme (OPS). The petitioner, having been selected against an advertisement issued in the year 1997, exercised his option for grant of OPS on 28.06.2023 (Annexure P-8). However, his claim came to be rejected vide impugned order dated 15.07.2025 (Annexure P-12).

2.2 Learned counsel submits that the petitioner is squarely covered under the aforesaid Office Memorandum dated 08.05.2023, which was initially adopted and acted upon by the respondents, but was subsequently withdrawn in a wholly arbitrary, unreasonable and whimsical manner, thereby depriving the petitioner of a vested and legitimate benefit. In support of the said contention, reliance has been placed upon the judgment rendered by this Hon'ble Court in ***Dr. Hardeep Lal Joshi and others versus Kurukshetra University, Kurukshetra and others***, ***2025 NCPHHC 76937***, wherein withdrawal of similar benefits extended under the Office Memorandum dated 08.05.2023 was held to be arbitrary and unsustainable in law, and the respondents therein were directed to extend the benefit of the

Old Pension Scheme to the petitioners, along with imposition of costs quantified at Rs.5,00,000/-.

3. *Per contra*, learned counsel for the respondents has opposed the writ petition and submits that although the Office Memorandum dated 08.05.2023 (Annexure P-7) was initially adopted by the respondent-Corporation, the same was subsequently withdrawn in terms of the advice received from the Finance Department, Government of Haryana (Annexure R-2/2). It is contended that the respondent-Corporation, being bound by the policy decisions and financial directives of the State Government, has rightly acted upon the instructions issued by the Finance Department vide communication dated 12.06.2024.

3.1 It is further argued that the petitioner was admittedly appointed on 15.01.2009, i.e., much after the cut-off date of 01.01.2006, and, therefore, is governed by the New Pension Scheme. Even otherwise, the Division Bench of this Court, while rendering judgment in LPA-14-2008 (Annexure P-3), had categorically denied the petitioner the benefit of seniority and other consequential benefits for the period prior to his appointment, and as such, no retrospective or notional benefit can now be claimed by the petitioner in the guise of pensionary entitlement.

3.2 Learned counsel further submits that the terms and conditions of appointment, as contained in the appointment letter (Annexure P-4), clearly stipulate that the petitioner shall be governed by the New Defined Contribution Pension Scheme, which was duly accepted by the petitioner without any demur. It is also contended that the petitioner did not raise any grievance with regard to applicability of the pension scheme during his entire service tenure and has approached this Court only after his superannuation on 31.12.2025, thereby rendering the present petition liable to be dismissed.

4. I have heard learned counsel for the parties at length and have gone through the case file with their able assistance. The factual matrix is largely undisputed. The petitioner had initially participated in the selection process pursuant to an advertisement issued in the year 1997; however, he was not declared successful. Aggrieved thereof, the petitioner approached this Court by way of CWP No. 152 of 2001, which came to be allowed on 24.09.2007. The respondent-Nigam preferred an intra-court appeal bearing LPA No.14 of 2008, which was allowed on 05.12.2008, while granting limited relief to the petitioner with a specific stipulation that the appointment offered to him shall take effect from the date he joins his duties and that he shall not be entitled to any salary, seniority or other consequential benefits for the period prior to such appointment.

4.1 It is not in dispute that the petitioner joined service on 15.01.2009 in terms of the appointment letter (Annexure P-4). A perusal of the said appointment letter clearly reflects that the petitioner was to be governed by the New Defined Contribution Pension Scheme (NPS), which had already come into force with effect from 01.01.2006. The petitioner accepted the said terms and conditions without any demur and continued in service till his superannuation on 31.12.2025.

4.2 The petitioner seeks to derive benefit of the Old Pension Scheme on the basis of Office Memorandum dated 08.05.2023 (Annexure P-7), pursuant to which he submitted his option on 28.06.2023. Although the said Office Memorandum was initially adopted by the respondent-Nigam, the same was subsequently withdrawn. Even otherwise, the benefit contemplated under the said Office Memorandum was intended for those employees who, though appointed after 01.01.2006, were appointed against vacancies advertised prior to 28.10.2005 and stood covered within the policy framework at the relevant time.

4.3 In the considered opinion of this Court, the petitioner cannot claim parity with such category of employees. The petitioner admittedly entered service on 15.01.2009, i.e., well after the cut-off date, and his appointment was expressly governed by the New Pension Scheme. Even the condition imposed by the Division Bench while granting appointment disentitles the petitioner from claiming any retrospective or notional benefit. The claim for Old Pension Scheme, in the facts of the present case, is nothing but an attempt to indirectly secure a benefit which is otherwise impermissible in law.

5. Accordingly, this Court finds no merit in the present writ petition. The impugned order dated 15.07.2025 (Annexure P-12) does not suffer from any illegality or infirmity warranting interference under Article 226 of the Constitution of India.

6**.** Consequently, the present writ petition is dismissed, being devoid of merit.

7. Pending miscellaneous application(s), if any, shall also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

30.04.2026
Puneet Chawla

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