



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CWP-38524-2025

Date of Decision: 27.01.2026

MUKESH KUMAR

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Sajjan Singh Malik, Advocate with
Ms. Yaashica, Advocate
for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

Ms. Sukriti Gupta, Advocate
for respondent no.4.

Mr. Vikram Bajaj, Special Panel Counsel
for respondents no.5 and 6.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to count the petitioner's past service for pensionary benefits under the Haryana Civil Services (Pension) Rules, 2016 (for short 'the 2016 Rules').

2. Learned counsel for the petitioner contended that the petitioner joined service as Assistant Professor (College cadre) on 31.10.2023, pursuant to memo dated 09.10.2023, Annexure P-5. Prior thereto, he was working in the Department of Posts as Postal Assistant from 16.04.2002 to 31.10.2023 (forenoon), and is entitled to get this previous service counted for pensionary benefits in terms of Government instructions dated 22.08.1988, Annexure



P-18, as also Rules 15 and 16 of the 2016 Rules. Learned counsel has also made a reference to memo dated 26.06.2025, Annexure P-16, whereby the second respondent asked the College Principal to provide proof that the petitioner's application for appointment as Assistant Professor was through proper channel, as well as the status of PRAN and proof regarding date of joining the Department of Posts with FN/AN format. The information was provided by the Principal vide letter dated 30.06.2025, Annexure P-17. Therefore, there is no basis to decline admissible benefits to the petitioner by counting the previous service. It is further contended that he has not been paid salary by the Department to date, except for 31.10.2023 and the month of November, 2023.

3. Learned State counsel has received instructions from the second respondent/Director General, Higher Education, vide memo dated 27.01.2026, which is retained on the case file as Annexure 'A'. Referring to the same, she contends that the petitioner's case for grant of pensionary benefits under the 2016 Rules was submitted to the Finance Department, and information has been sought for the purpose from the concerned College regarding his date of joining, relieving, etc.; whether he applied through proper channel; whether he has been issued PRAN number after joining as Assistant Professor. The instructions also mention, "*Sh. Mukesh Kumar himself has refused to take salary and he has given it in writing to the principal.*" Accordingly, the matter for grant of due benefits is under consideration with the respondents and appropriate decision will be taken in this regard after receiving the requisite information and documents.

4. Heard.



5. As apparent on record, the petitioner had rendered service in the Department of Posts prior to joining the Higher Education Department as Assistant Professor on 31.10.2023. The letter of appointment issued to him, dated 09.10.2023, itself stipulates that *“he is covered by the New Defined Contributory Pension Scheme as per F.D. notification dated 28.10.2005”*. After joining the service, he requested the Department vide letter dated 28.11.2023, Annexure P-12, to consider him for the benefits of the Old Pension Scheme, and issue the salary with allowances accordingly. The matter is under consideration with the Government, and the requisite documents for the purpose have also been sought. It is not disputed that the petitioner, on his own, has refused to accept salary from the Department; and it is not the case that he is not being paid on account of any lapse on the respondents’ part.
6. In view thereof, no directions are required to be issued to the respondents for release of pensionary benefits to the petitioner under the 2016 Rules, except that his case will be considered and decided by respondents no.1 to 3 within a reasonable period, preferably within six months.
7. Disposed of as such.

(TRIBHUVAN DAHIYA)
JUDGE

27.01.2026
Ad

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No