



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

**LPA No.583 of 2020  
Date of Decision: 02.07.2025**

State of Haryana and others

...Appellants

Versus

Late Sh. Vijayant Kumar (since deceased)  
through LRs and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA  
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Hitesh Pandit, Additional AG, Haryana,  
for the appellants-State.

Mr. Lalit Rishi, Advocate,  
for the LRs of respondent No.1.

\* \* \* \*

**SANJEEV PRAKASH SHARMA J.(Oral)**

The challenge in this appeal is to the order passed by learned Single Judge on 06.02.2020 in CWP No.2429 of 2017 whereby the writ-petition filed by the petitioner who expired during the pendency of the writ-petition, and was entrusted through his legal representatives, was allowed and the learned Single Judge has directed as under:-

*“Since, the benefit is being allowed as above, this Court need not go into the second argument of learned counsel for the petitioner to count his suspension period having been converted into leave of the kind due towards the qualifying service in view of the Rule 14, Chapter IV of Haryana Civil Services (Pension) Rules, 2016.*



*Accordingly, in view of the above, the present writ petition is allowed. The respondents are directed to commute the pension admissible to the petitioner from the date of his voluntary retirement till his death and thereafter, the family pension after the death of the petitioner. The pension be accordingly calculated and disbursed within a period of three months alongwith interest @ 6% per annum from the receipt of the certified copy of this order. In case the said amount is not paid within three months, the same shall be paid thereafter alongwith 12% interest from the expiry of the period of the said three months.”*

2. Learned counsel for the State has vehemently argued and submitted that the provisions of Clause 3 of 5.32 B of the Punjab Civil Service Rules Volume-II, would have no application to the present facts of the case as the voluntary retirement granted to the writ-petitioner was in contravention of the provisions since he did not complete 20 years of service necessary for allowing voluntary retirement.

3. We have carefully considered the submissions and find that the writ-petitioner had applied for the voluntary retirement on account of family condition/physical constraints vide his application dated 30.08.2013 seeking voluntary retirement from 30.11.2013. His request for voluntary retirement was accepted and he was allowed to retire from service vide the order dated 02.12.2013 w.e.f. 30.11.2013. The period, for which the writ-petitioner had remained on leave, was sanctioned as half-pay leave vide order dated 17.01.2014 in terms of Rule 8.119 (b) & Rule 8.121 (2) of Punjab Civil Services Rules Volume-I Part-I and two days leave was sanctioned as extra-ordinary leave. However, when the matter came before the authorities for releasing the pension, objection was raised that he had



not completed the minimum service of voluntary retirement up to 20 years and had actually served for 17 years, 09 months and 08 days and was, therefore, not entitled to receive the pension. The learned Single Judge has adverted to the provisions of Clause 3 of Rule 5.32 (B) of the Punjab Civil Services Rules Volume-II wherein it is provided as under:-

*“The qualifying service as on the date of intended retirement of the Govt. employee seeking retirement under this rule or under clause (e) of rule 3.26 of Pb.CSR.Vol.I, Part I with or without permission shall be increased by the period not exceeding 5 years subject to the condition that the total qualifying service rendered by the Govt. employee does not in any case exceed 33 years and it does not take him beyond the date of superannuation. The weight age of five years shall not be admissible in cases of those Government employees who are prematurely retired by the Government in public interest under the relevant rules.”*

4. Thus, apart from the service rendered by mathematically five years has to be added to his service for the purpose of release of pension. The Court has, therefore, proceeded to allow the same after further relying on earlier judgments passed by this Court in ***Nishan Singh vs. Transport Commissioner, Haryana, 1993(1) SCT, 244; Ramesh Chand Kaushik vs. State of Haryana 1994(1) SCT 227; Om Parkash Vashist vs. State of Haryana and others 2002(2) SCT 80; Rajbir Singh vs. The State of Haryana and others 1996(2) RSJ 559*** and ***Ravi Dutt and others vs. State of Haryana and others 2017(1) SCT 719.***



5. We notice that the provisions of Clause 3 of 5.32 (B) of the Punjab Civil Service Rules Volume-II, takes into consideration various aspects when the Government employee may retire first when he submits the application for voluntary retirement he would get the benefit not exceeding five years of additional service for the purpose of counting his qualifying service but the same cannot exceed 33 years. However, this weightage would not be available if he has been compulsorily retired. In the instant case, the writ-petitioner had himself moved an application seeking for voluntary retirement and therefore, the benefit up to five years cannot be given to him for the purpose of counting the qualifying service for release of pension. The learned Single Judge has passed the order accordingly. We do not find any reason to take a different view.

6. Accordingly, the appeal is dismissed.

7. It is directed that the compliance shall be made within a period of three months. It is made clear that if the amount is not released within three months, additional interest by the department shall be paid @ 8% which shall be recovered from the concerned authority.

**(SANJEEV PRAKASH SHARMA)**  
**JUDGE**

**02.07.2025**  
seema

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

*Whether speaking/reasoned:* Yes  
*Whether Reportable:* Yes