



CWP-4562-2022

1

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

CWP-4562-2022 (O&M)

Date of decision: 02.07.2025

Gurmesh Parkash Bishnoi

...Petitioner

V/s

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. S.P. Arora, Advocate with
Mr. Himanshu Arora, Advocate and
Ms. Iarisa Carmen, Advocate for the petitioner
in CWP-4562-2022 and CWP-10399-2022.

Mr. Inder Pal Goyat, Advocate for the petitioner
in CWP-14874-2022.

Mr. Naveen S. Bhardwaj, Additional Advocate General, Hry.

Dr. Neha Awasthi, Advocate
for respondent No.2-HPSC
(through Video Conference).

Mr. Rupender Singh Rana and
Ms. Naveen Kaur, Advocate
Ms. Swati Dayalan, Advocate for respondent No.3

SUMEET GOEL, JUDGE

1. By way of the present common judgment, we proceed to decide the instant batch of three civil writ petitions, since there is commonality of the facts and congruity of legal issues therein, as stated by learned rival counsel. The details of these writ petitions read, thus:

- (a) Gurmesh Parkash Bishnoi vs. State of Haryana and others (CWP-4562-2022)
- (b) Raghubar Dayal and others vs. State of Haryana and others (CWP-10399-2022)
- (c) Chatter Singh and others vs. State of Haryana and others (CWP-14874-2022)



CWP-4562-2022

2

For the cause of convenience, the facts are drawn out from CWP-4562-2022 titled as Gurmesh Parkash Bishnoi vs. State of Haryana and others (hereinafter referred to as the *petition in hand*).

2. The *petition in hand* has been preferred under Articles 226/227 of the Constitution of India with the following substantive prayer(s):

“i. Issuance of a writ in the nature of Certiorari for quashing of the provision made in Regulation 13(1) of Haryana Public Service Commission (Condition of Service) Regulations, 2018 (Annexure P-1) dated 17.12.2018 providing for the pension of the Chairman and members directly recruited/appointed, to be fixed @ 1/40th of the last pay drawn per month for each one year qualifying service;

ii. Further for quashing Regulation 13(5) of the said Regulation whereby it has been provided that no family pension shall be admissible to the family members in case of the death of a member while in service or after ceasing to hold the office the same provisions being arbitrary, discriminatory having no nexus with the object sought to be achieved and amounts to creating sub-classification within a class and are further contrary to the various provisions dealing with pension and gratuity; being further in contradiction to the conditions of service governing the Chairman of Haryana Public Service Commission;

iii. Further, a writ in the nature of Mandamus, directing the respondents to treat the service of the petitioner as the Chairman of Haryana Public Service Commission at par with the Chief Secretary for all intents and purposes including for grant of pension for his life as well as pension and death-cum-retirement gratuity as is available to the Chief Secretary and IAS Officers in the State and also to grant family pension to the family members in case of the death of a member while in service or after ceasing to hold the office;”

3. Pleading the cause of the petitioner, his learned counsel has iterated that he would be satisfied, for the *nonce*, in case the *writ petition in hand* is disposed of by permitting the petitioner to make a fresh representation to the respondent Nos.1 and 2 in view of the enunciation of law by the Hon'ble Kerala High Court in WP(C) No.3081-2013 titled as ***M Gangadhara Kurup & Ors. Vs. State of Kerala and Anr.*** and the Hon'ble



CWP-4562-2022

3

Himachal Pradesh High Court in CWP-1331-2020 titled as ***K.S. Tomar vs.***

State of Himachal Pradesh.

4. Learned counsel appearing for the respondents submit that they have no objection in case the limited prayer made by the learned counsel for the petitioner, is accepted.

5. We have heard learned counsel for the rival parties and have perused the paper-book.

6. Keeping in view the entirety of facts and circumstances of the case & without going into merits thereof, the instant petition is disposed of with liberty to the petitioner(s) to make a fresh representation to respondent Nos.1 and 2 within a period of two weeks from today. On such representation being made by the petitioner(s); it is directed that respondent Nos.1 and 2 shall look into the said representation, objectively consider the grievance(s) raised in the said representation in view of the *dicta* of the judgments in the case of ***M Gangadhara Kurup*** case (supra) and ***K.S. Tomar*** case (supra) & take ratiocinated decision thereupon after affording opportunity of hearing to petitioner(s), in accordance with law, within a period of 60 days thereafter. Such decision be communicated to the petitioner within fifteen days of it being taken. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

July 02, 2025
Ajay

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