



113 (5 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

1. LPA-2588-2025 (O&M)  
Date of Decision: 29<sup>th</sup> August, 2025

KURUKSHETRA UNIVERSITY, KURUKSHETRA .....Appellant(s)  
V/s.  
DR. HARDEEP LAL JOSHI AND OTHERS .....Respondent(s)

2. LPA-2596-2025 (O&M)

KURUKSHETRA UNIVERSITY, KURUKSHETRA .....Appellant(s)  
V/s.  
DR. CHAND RAM JILOVA AND OTHERS .....Respondent(s)

3. LPA-2598-2025 (O&M)

KURUKSHETRA UNIVERSITY, KURUKSHETRA .....Appellant(s)  
V/s.  
DR. BALJEET SINGH SAHARAN AND OTHERS .....Respondent(s)

4. LPA-2601-2025(O&M)

KURUKSHETRA UNIVERSITY, KURUKSHETRA .....Appellant(s)  
V/s.  
DR. RANJANA AND OTHERS .....Respondent(s)

5. LPA-2605-2025(O&M)

KURUKSHETRA UNIVERSITY, KURUKSHETRA .....Appellant(s)  
V/s.  
DR.RAMESH KUMAR KAIT AND OTHERS .....Respondent(s)

**CORAM:** **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**  
**HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present Mr. Amarjit Singh Virk, for the appellants.

Mr. Vibhu Agnihotri, Advocate  
for the Caveator/Respondent No.1 in LPA-2601-2025.

Mr. Anurag Goyal, Advocate and  
Mr. Nikhil Lather, Advocate for the Caveator(s)/respondent(s)  
in LPAs-2605 and 2596 of 2025.

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**CM-6514-LPA-2025 in LPA-2588-2025**

**CM-6530-LPA-2025 in LPA-2596-2025**

**CM-6535-LPA-2025 in LPA-2598-2025**

**CM-6542-LPA-2025 in LPA-2601-2025**

**CM-6554-LPA-2025 in LPA-2605-2025**

Delay in filing of these appeals has been satisfactorily explained. Accordingly, applications are allowed and delay in filing the appeals is condoned.

**MAIN CASES**

1. By this common order, the present five connected Letters Patent Appeals shall be decided, wherein the appellants-University has assailed order dated 01.07.2025 of the learned Single Bench, whereby a set of five Writ Petitions, filed by the appellants herein, were allowed and direction is issued to extend the benefit of opting to Old Pension Scheme also to the employees of the appellant-University vide Office Memorandum (OM) dated 08.05.2023. Learned Single Bench has further directed the imposition of cost of ₹4,00,000/- upon Department of Higher Education, Government of Haryana, and remainder cost of ₹1,00,000/- was imposed upon the appellant-University.

2. Learned Single Bench has interfered in the matter and the unilateral recall of such option only for the employees of the appellant-University, has not been found to be backed by any justifiable grounds.

3. The relevant portion of the impugned judgment of the learned Single Judge is reproduced as under:-

**“8.4.** *In the conspectus of the facts enumerated herein before, the impugned memo was required to be made applicable to the University employees as well. It is because the State Government*

*introduced NPS for its employees vide notification dated 18.08.2008, following the footsteps of the Central Government. The University was also asked to follow suit leading to introduction of the University NPS there. Later, the Central Government decided to give one-time option to its employees covered under the NPS to opt for the old scheme; the State Government also gave the same benefit to its employees vide OM dated 08.05.2023. This makes it incumbent for the Government to extend this benefit to the University employees also, and its order dated 13/17.07.2023 was a step in that direction; its sudden withdrawal without any reasonable basis renders the decision whimsical. Evidently, the University was asked to frame new pension scheme for its employees on the lines of the one framed by the State Government for its employees, and it did so. Once the State Government allowed the category of its employees appointed against the posts advertised prior to the date of notification for New Defined Contributory Pension Scheme, i.e., 28.10.2005, to go back to the old scheme by exercising an option, as a necessary corollary the benefit was required to be extended to the same category of the University employees also. To see it from another angle, the stream of extended benefits of one-time option flowing from the Central Government notification to that effect, dated 03.03.2023, which reached the State Government leading to the decision on similar lines vide OM dated 08.05.2023, has to be logically allowed to flow down to the University employees as well who have been brought under the new pension system following directions by the State Government only. Accordingly, depriving them of the benefit of one-time option extended by the State Government to its employees, is unreasonable. Furthermore, after extending the benefit initially vide order dated 13/17.07.2023, the Government backtracked leaving them high and dry, and issued the impugned memo dated 24.07.2023. Such an about-turn without any rationale smacks of high handedness on the Government's part which is deplorable, and cannot be acceded to. In the Constitutional scheme of things*

*no executive authority can anoint to itself absolute power to act or not to act at will, without mentioning any justifiable reason; it is rather anathema to the rule of law that must permeate every executive action. This shows the impugned memo has been issued for extraneous reasons; it is a result of arbitrary exercise of power, and cannot be sustained. The petitioners being University employees are, resultantly, held entitled to the benefits under OM dated 08.05.2023 on the same terms as these have been extended to the State Government employees.*

**Clause 15.2.1 (iii) of the University NPS**

**9.** *Additionally, it is pertinent to refer to clause 15.2.1 (iii) of the University NPS, which is as follows:*

*“Any change(s) in grant of Pensionary benefits as made by the Haryana Govt. to its employees from time to time shall be made applicable to the University employees after approval by the Vice-Chancellor.”*

*The clause specifically provides that any change in grant of pensionary benefits as made by the Government for its employees shall be made applicable to the University employees after approval by the Vice-Chancellor. Once the scheme itself mandates that any change in pensionary benefits for government employees will be made applicable to the University employees also, there is no justification to deprive them of the change brought about in pensionary benefits for the government employees vide OM dated 08.05.2023. Despite this positive obligation under the scheme, the University on its part has not taken any step in that direction and appears to have abdicated its authority. The Government is on record stating, “...no such proposal/matter was received by the office of respondent extending the benefit of Old Pension Scheme to Universities in reference to memorandum dated 08.05.2023.” Apparently, instead of safeguarding the interests of its employees and ensuring applicability of the beneficial change for them, the University has chosen to be a mute spectator, leaving its employees at the mercy of the Government which has deprived them of the benefits under the OM in an autocratic manner*

*without any justification, as discussed hereinbefore. The University is, accordingly, censured for this failure.*

**9.1.** *There is another aspect of the matter, double-speak by the Government. Its stand in the written statement is, the University is an autonomous body and free to take its own decisions regarding appointments and termination of teachers/ employees, engagement of contractual employees and their remuneration, etc. However, it cannot revise pay scales of the employees and their consequent pensions, etc. without prior approval of the Government as required under Section 12 A of the Kurukshetra University Act, 1986. Concededly, pension liabilities of the University employees are met by the Government. It is not the Government's case that communications to the University, dated 27.02.2007 and 20.04.2007, asking it to implement the New Defined Pension Scheme were issued after the University sought its approval or implementation; it was the Government's fiat to its autonomous body meant to be followed. Accordingly, the justification to withhold benefits of OM dated 08.05.2023 issued under the new pension scheme from the University employees on the plea that the same were never asked for by the latter, cannot be countenanced. It only shows the State Government's changing stands to suit its whims, and an attempt to justify the same by using perverse logic. It cannot be allowed to blow hot and cold in the same breath and take self-contradictory stands at the cost of University employees, who have been made to suffer due to this apathetic attitude. If it suits the Government, these employees are brought under the new pension scheme meant for its employees, if it does not, they are treated as aliens and even the benefits available to the Government employees under the same scheme are denied to them on the specious plea of not receiving any proposal from the University in this regard. This callous attitude towards University employees is deplorable to say the least, and the Government too is hereby censured on that account. Once the new defined scheme has been extended to the University employees, the benefits flowing thereunder have also to be*

*extended mutatis mutandis, not doing so is arbitrary and unreasonable. On this basis also the petitioners are held entitled to benefits under OM dated 08.05.2023.”*

4. Learned counsel for the appellant(s) has not been able to demonstrate any illegality in the aforesaid view of the learned Single Bench.

5. The only part of the order, with which we are inclined to interfere, is the imposition of cost upon the appellant-University inasmuch as the learned counsel for the appellants-University submits that there was no conscious failure on part of the applicant-University in defending the interest of its employees. It is submitted that the University had only acted in furtherance of the directions of the State, and in such circumstances, the imposition of cost was not called for.

6. We find substance in such contentions of the learned counsel for the appellants-University and therefore, direction by which cost was imposed upon the appellant-University, stands waived of.

7. The appeals stand **disposed of** accordingly.

**[ASHWANI KUMAR MISHRA]  
JUDGE**

**[ROHIT KAPOOR]  
JUDGE**

**August 29, 2025**  
*Ess Kay*

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>