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

**LPA-3358-2024 (O&M)
Date of Decision: 08.01.2025**

STATE OF HARYANA AND OTHERS

. . . . Appellants

Vs.

SUDARSHAN KUMARI SINCE DECEASED THROUGH HER LR AND
ANOTHER

. . . . Respondents

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

Present: Mr. Sanjeev Kaushik, Addl. A.G., Haryana
for the appellants.

SANJEEV PRAKASH SHARMA, J.(Oral)

CM-8299-LPA-2024

Application for condonation of delay of 300 days in re-filing of
appeal is allowed, and accordingly delay is condoned.

CM-8301-LPA-2024

Application for condonation of delay of 27 days in filing of
appeal is allowed, and accordingly delay is condoned.

Main case

1. The present LPA assails the order dated 14.11.2023 passed by the Single Judge whereby the petition of the respondent/writ petitioner was allowed directing the appellants (respondents therein) to grant the benefit of service rendered by the petitioner with Government of



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Punjab for the period from 06.05.1970 to 01.09.1974 as for the purpose of counting the total qualifying service for release of pension and retiral benefits.

2. Learned counsel for the appellants submits that the learned Single Judge has relied on Rule 3.17 of the Punjab Civil Services (Pension) Rules which were adopted by the Haryana Government. However, Haryana Civil Services (Pension) Rules, 2016 have been framed and the same were required to be relied on.
3. We have carefully considered the Haryana Civil Services (Pension) Rules, 2016. Rule 15 provides benefit of past service towards pension and reads as under:

“15. Benefit of past service towards pension.—

(A) On appointment from any other Government to Haryana Government—

(1) A Government employee of Central or any other State Government (except Jammu and Kashmir) who covered under the pension rules there, on his—

(a) permanent transfer; or

(b) subsequent appointment,

shall be entitled to get the benefit of past qualifying service towards pension duly verified by the competent authority of his previous Government; provided he submitted his application through proper channel.

(B) On appointment from a pensionable organization to a department under Haryana Government—

On absorption or subsequent appointment of an employee from a pensionable—



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(a) *Organization to a department both under Haryana Government or vice-versa; or*

(b) **Statutory body** only under GOI to a department of Haryana Government or vice-versa,

the benefit of past qualifying service shall be admissible subject to conditions that—

(i) *the terminal benefits of past qualifying service, received if any, from the previous Organization shall have to be deposited in the Consolidated Fund of Haryana with interest, at the rate(s) as applicable to General Provident Fund. The interest shall be levied at the rate applicable on General Provident Fund accumulation from time to time computed in the same manner (i.e. with annual compounding), from the date of joining service under Haryana Government to the date of deposit in the state exchequer; and*

(ii) *the application has been submitted through proper channel in case of subsequent appointment.*

(C) On appointment from one department to another of Haryana Government—

On appointment from one department to another department of Haryana, the benefit of past qualifying service towards pension shall be admissible provided it is certified by the Head of Department that the application for new/subsequent appointment was submitted through proper channel.

(D) On appointment from pensionable to non-pensionable organization —

On permanent absorption or subsequent appointment of a Government employee from a department to a non-pensionable organization under any State Government or Government of India, pro-rata pensionary benefits shall, in lump sum or otherwise as per option



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exercised by the concerned Government employee, be admissible of the qualifying service rendered before permanent absorption or subsequent appointment, as the case may be, provided the application has been submitted through proper channel. The pro-rata pensionary benefits shall be payable from the date of permanent absorption or subsequent appointment and shall be released within six months from the date of submission of documents complete in all respects required for the purpose. The incumbent has to resign from service which will be a technical formality. No family pension shall be admissible in case of death after the date of permanent absorption or subsequent appointment.”

4. Thus, the aforesaid Rule is *pari materia* to the Rule 3.17 as quoted by the learned Single Judge, and we therefore need not keep ourselves further to delve into the issue.
5. Admittedly, the petitioner has served with the Government of Punjab from 06.05.1970 to 01.09.1974, whereafter she joined the institution with the Government of Haryana on 02.09.1974 and there is no break. She thereafter continued and was again appointed as Lecturer in Chemistry on 14.07.1979. Thus, there is continuous employment of the petitioner all the way from 06.05.1970 to 01.09.1974, and thereafter with the State of Haryana.
6. The resignation, if any, which she would have given while leaving the Government of Punjab would be treated as a technical resignation, and her services would have to be therefore counted in terms of Rule 15 of the Haryana Civil Services (Pension) Rules, 2016.



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7. Accordingly, the order and relief granted by the Single Judge does not warrant any interference.
8. It is made clear that if the petitioner has received amount of gratuity from the State of Punjab, she will have to deposit the same with the Government of Haryana for the purpose of counting the said service.
9. LPA is dismissed with the aforesaid observations.
10. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

08.01.2025

Mohit goyal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No