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

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LPA-2639-2024

Date of decision : 26.08.2025

Joginder Singh

... Appellant

Versus

State of Punjab and others

.. Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present:- Mr. H.K. Brinda, Advocate for the appellant.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

1. The appellant has challenged the judgment passed by the Single Bench in CWP No.7139-2020 on 27.08.2024 whereby the writ petition claiming pensionary benefits as Naib Tehsildar had been declined.
2. Learned counsel for the appellant submits that the appellant was discharging the duties of Naib Tehsildar from 27.11.2014 till his retirement on 31.10.2018. He had superannuated as Naib Tehsildar and therefore, he is entitled to the pensionary benefits as Naib Tehsildar.
3. Heard.
4. The appellant was working as a Kanungo when he had been handed over the current duty charge of Naib Tehsildar. He had indeed worked as Naib Tehsildar during the aforementioned period and retired as such. The salary attached to the higher post of Naib Tehsildar had been paid to the appellant as he was discharging the functions and responsibilities on the post. However, the



substantive rank of the appellant was Kanungo even at the time of his retirement. There is nothing to indicate any regular post of Naib Tehsildar was vacant or that the appellant was the senior most Kanungo, who was entitled to promotion to the post of Naib Tehsildar.

5. It is settled law that for fixation of pension, the substantive rank held by the employee has to be seen and not the officiating rank. Reference can be made to the judgment of the Coordinate Bench of this Court in the case of **Tek Chand versus State of Haryana**, bearing LPA No.486-2023, decided on 28.04.2023, wherein the claim of the appellants for fixing the pensionary benefits on the basis of the pay drawn by them while officiating on a higher post of Superintendent was rejected. The relevant extract of the judgment is reproduced hereunder:-

“This Letters Patent Appeal is preferred against judgment dt.31.10.2022 of the learned Single Judge in CWP-456-2020 to the extent the learned Single Judge had not granted relief to the appellants.

He had rejected their claim for fixation of pensionary benefits on the ground that they had been given current duty charge of the Higher Post of Superintendent, though they were holding the substantive rank of Deputy Superintendent on the basis of last pay drawn by them while officiating in the said higher position.

The learned Single Judge, in the impugned judgment, has taken the view rightly that for fixation of pension, the substantive rank held by the employees had to be seen and not the officiating rank.

Admittedly, the substantive rank of the petitioners would only be that of Deputy Superintendent and merely because they were given current duty charge of the higher post of Superintendent, they cannot claim to have been regularly promoted to the said position. So, notwithstanding the period they have discharged the



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duties of the office of Superintendent as current duty charge, they cannot claim any pensionary benefits on the said basis.

So, we do not find any merit in the appeal.

Accordingly, the appeal is dismissed.”

6. Therefore, we do not find any merit in the submission that the appellant would be entitled to the pensionary benefits attached to the officiating post of Naib Tehsildar.

7. In view of the above, we do not find any manifest illegality in the judgment of the Single Bench dismissing the writ petition preferred by the appellant seeking retiral benefits on the basis of last drawn pay, drawn by him while officiating on the higher post of Naib Tehsildar. He was holding the substantive rank of Kanungo and would be entitled to retiral benefits attached to that post.

8. Consequently, the Letters Patent Appeal being devoid of any merit stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

August 26, 2025
sonia gugnani

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