



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

**216**

**CWP-22965-2018 (O&M)  
Date of decision: 12.08.2025**

Manjeet Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Dilpreet Singh Gandhi, Advocate  
for the petitioner.

Mr. Vikas Arora, DAG, Punjab  
for respondent No.1.

Mr. Vijay Kumar Kaushal, Advocate  
for respondents No.2 to 5.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for setting-aside the order dated 28.07.2017 (Annexure P-2), vide which the release of contribution of department in Contributory Provident Fund (CPF) was withheld. Further a writ of mandamus has been sought, directing the respondents to release the board share of CPF with 18% from the date of retirement of petitioner and to release the leave encashment which was deducted by the respondents with 18% interest from the date of retirement.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner served as Superintendent Grade-II with the



respondent/Board and, after a long and satisfactory service, was due to retire in the month of May, 2015. However, she was granted an extension for a period of two years and she, finally retired on 31.05.2017. The petitioner's grievance is regarding the withholding of Rs.1,65,267/-, as reflected in the order dated 28.07.2017 (Annexure P-2). It is submitted that several representations were made by the petitioner for the release of aforesaid withheld amount along with interest as several other employees, who were retired, prior to the petitioner, have been granted the share of Board's contribution towards CPF scheme during the period of their extension. Learned counsel for the petitioner refers to the extension order dated 27.05.2015 (Annexure P-3) and submits that no condition was imposed therein regarding non-entitlement of CPF contributions during the extension period. It is further argued that the Instructions dated 27.05.2015 (Annexure P-3) were only implemented on 07.06.2017, and thus, cannot apply retrospectively to the petitioner, who had already retired on 31.05.2017. The petitioner also claims entitlement to earned leave encashment during the extension period.

3. On the other hand, learned counsel for respondent No.1 and the respondent/Board submit that the petitioner's claim is not sustainable, as no Instructions or applicable Rules existed at the time of her retirement that permitted release of the Board's share of CPF during the extension period. Reliance is placed on the Notification dated 30.10.2015 (Annexure P-9) and the Proviso to Rule 8.21(b) of the



Punjab Civil Services (Second Amendment) Rules, 2015, which provides that a government employee continuing in service after superannuation shall earn leave at the rate applicable on the date of superannuation. It is also submitted that the petitioner had taken 87 days more leave than permissible, and therefore, such excess leave was rightly deducted while computing the leave encashment. Accordingly, the retiral dues were calculated and released based on the applicable rules after the petitioner's final retirement on 31.05.2017.

4. Having heard learned counsel for the parties and perusing the record, the short controversy which arises in the present petition is whether the Instructions dated 27.05.2015, which came into effect on 07.06.2017, would be applicable to the petitioner, who retired on 31.05.2017. The petitioner has not been able to produce any Instructions or Rules in force at the time of retirement entitling her to the Board's share of CPF Scheme, during the extension period. The stand of the respondent/Board is consistent that no such provision existed when the petitioner retired. Moreover, the petitioner has not placed on record any specific instances or names of similarly situated employees who received CPF contributions during their extension period. In the absence of any enabling rule or evidence of discriminatory treatment, the petitioner cannot claim a right to CPF contributions beyond the age of superannuation. In this regard, reliance can be placed on the judgment of Hon'ble Supreme Court in *State of Orissa vs. Mamata Mohanty*, (2011) 3 SCC 436, wherein it was held as under:



*“It is a settled legal proposition that Article 14 is not meant to perpetuate illegality and it does not envisage negative equality. Thus, even if some other similarly situated persons have been granted some benefit inadvertently or by mistake, such order does not confer any legal right on the petitioner to get the same relief.”*

4.1. Therefore, in the absence of any legal entitlement or rule in force at the relevant time, the petitioner cannot claim CPF contributions or interest thereon, merely on the basis of parity with others. Having accepted the extension, she is bound by the relevant Instructions and Rules applicable at the time, as adopted by the respondent/Board.

5. In view of the foregoing reasons, no ground is made out to interfere in the matter. The writ petition is dismissed, accordingly.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**12.08.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No