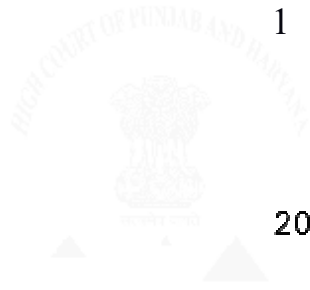


CWP-10654-2016



2019:PHHC:031438



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

203

CWP-10654-2016(O&M)

Date of decision:14.11.2025

Mahesh Kumar

.....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. S.K. Bhardwaj, Advocate for the petitioner.

Mr. Piyush Khanna, AAG, Haryana.

Mr. Jagdish Manchanda, Sr. Advocate with Mr. Devyansh and
Mr. Marvi Singh, Advocates for respondents No.3 and 4.

Mr. I.S. Sidhu, Advocate for respondent No.5.

HARPREET SINGH BRAR, J. (Oral)

CM-13838-CWP-2025

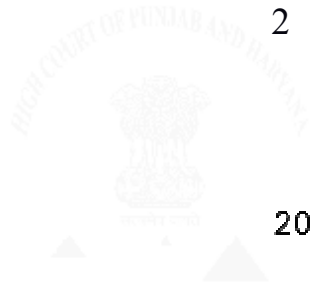
The present application has been filed under Section 151 of
CPC for placing on record the short reply on behalf of respondent No.5.

In view of the grounds mentioned in the application, the same is
allowed as prayed for, subject to all just exceptions.

Short reply on behalf of respondent No.5 is ordered to be taken
on record.

Registry to place the same at the appropriate place.

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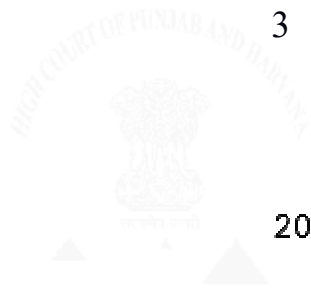
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Main

1. The present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned action of the respondent-authorities in withholding the amount of GPF and not granting the benefit of pension, without assigning any reason and further in not calculating the service rendered on daily wages basis towards pension in view of letter dated 07.02.2014 (Annexure P-5) issued by the Finance Department to Govt. of Haryana. Further praying for issuance of a writ in the nature of *mandamus* directing the respondent-authorities to release the amount of GPF along with interest at the rate of 18% per annum in view of the instructions dated 20.02.2002 issued by Govt. of Haryana and further directing the respondents to sanction the pension after calculating the service rendered on daily wage basis in view of letter (Annexure P-5) and to grant the benefit of increment on account of qualifying the Fire Fighting Course as one similarly situated employee has already been granted the similar benefit along with all consequential benefits.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner retired from the service on 31.10.2015. The gratuity, leave encashment was released without any delay however provident fund amounting to Rs.1,26,050/- was released on 18.05.2017 whereas pensionary contribution amounting to Rs.1,12,004/- released on 09.09.2016. As such, the delay in releasing all retiral dues of husband of petitioner entitles the



petitioner for grant of interest on delayed payment in terms of the judgment rendered by a Full Bench of this Court in *A.S. Randhawa Supg. Engineer (Retd.) vs. State of Punjab 1998 (1) SCT 343*. Learned counsel further submits that past service of petitioner as a daily wager from 1980 to 2003 has not been counted for calculating the qualifying service for pensionary benefits. The case of the petitioner is squarely covered by the Full Bench judgment of this Court in *Kesar Chand and others v. State of Punjab and others, 1988(5) SLR 25* and Division Bench judgment of this Court in *Harbans Lal v. State of Punjab and others, 2012(3) SCT 362*.

3. Learned counsel for the petitioner further sought increment on qualifying the fire fighting course, as the similarly situated employee Sh. Ram Narain Singh, who was appointed later and has been granted regular increment even prior to passing the qualifying test, whereas, the petitioner has been discriminated. Learned counsel for the petitioner further submits that he would be satisfied if his case is considered under the Haryana State Litigation Policy, 2025.

4. On the other hand, learned State Counsel submits that he has no objection if the case of the petitioner is referred and considered under the Haryana State Litigation Policy.

5. I have heard the submissions made by learned counsel for the parties.

6. It has been brought to the notice of this Court that the Government of Haryana has notified the Haryana State Litigation Policy,

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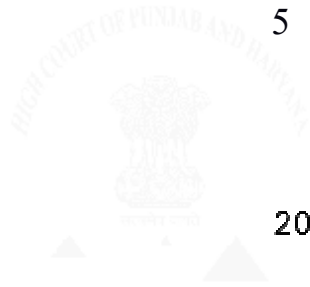


2025, with the primary objective of ensuring an efficient and accountable grievance-redressal framework within the administration, and with the overarching aim of reducing pendency before the Courts by curbing avoidable and repetitive litigation. Furthermore, in terms of the aforementioned Policy, an Employees' Grievance Redressal Committee has been constituted for the specific purpose of addressing and resolving employee-related grievances in a structured and time-bound manner.

7. In view of the above submissions, and in light of the judgment rendered by this Court in **CWP-2457-2025**, titled as **H.C. Sharma vs State of Haryana and others**, decided on 30.07.2025, the present petition is disposed of in the following terms:

- i. The Employees' Grievance Redressal Committee constituted under the Haryana State Litigation Policy, 2025 is hereby directed to treat the present writ petition as a comprehensive representation and to consider and adjudicate upon the issue raised herein. In the alternative, the petitioner shall be at liberty to submit a detailed representation setting out his claim within a period of two weeks from the date of receipt of a certified copy of this order.
- ii. The Committee shall pass a reasoned and speaking order in terms of **A.S. Randhawa case (supra)** and **Kesar Chand case (supra)**, after granting an opportunity of personal hearing to the

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petitioner, within a period of three months from the date of receipt of a certified copy of this order, or from the date of receipt of the representation of the petitioner, as the case may be. Further, the decision taken thereof shall be conveyed to the petitioner. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted to him forthwith.

5. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

November 14, 2025

P.C

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No