(2026) 01 P&H CK 1852

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 39026 Of 2025 (O&M)

Gurlabh Singh APPELLANT

Vs

State Of Punjab And Others RESPONDENT

Date of Decision : 20-01-2026

Acts Referred:

Constitution Of India, 1950 — Article 226, 227
Punjab State Cooperative Agricultural Service Society Service Rules, 1997 — Rule 19A
Punjab Cooperative Societies Rules, 1963 — Rule 28

Citation : (2026) 01 P&H CK 1852

Hon'ble Judges : Harpreet Singh Brar, J

Bench : Single Bench

Advocate : Iqbal Singh Saggu, Vikas Arora

Final Decision : Disposed Of

Judgement

Harpreet Singh Brar, J

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the retiral benefits of the petitioner amounting to Rs.11,10,882/- and arrears of salary from 01.11.2021 to 31.10.2023 amounting to Rs.12,10,000/- and other service benefits till the actual date of his retirement i.e. 60 years along with interest @12% per annum. It is further prayed to issue a writ in the nature of certiorari seeking quashing of the order dated 24.09.2025 (Annexure P-6) passed by respondent No.3 to the extent of denying the interest on the delayed payment and outstanding retiral dues as well as paying of arrears of salary in installments.

2. Learned counsel for the petitioner, inter alia, contends that the petitioner joined respondent No.6-Society as Salesman on 20.04.1988 and he was promoted as Secretary on 05.08.1998 and worked upto 17.09.2006, when he was transferred to respondent No.5-Society and joined there as Cashier and later on, promoted as Secretary on 02.04.2016. The services of the employees

working in Primary Cooperative Agricultural Service Societies are being governed by Punjab State Cooperative Agricultural Service Society Service Rules, 1997 (for short 'Rules of 1997'). Further, on 24.09.2020, by amending Rule 19-A of Rules of 1997, retirement age of the employees of the cooperative societies in the State of Punjab was reduced from 60 years to 58 years and in terms of said amendment, the petitioner was forcibly retired on 31.10.2021. Thereafter, respondent No.6-Society passed a resolution on 12.01.2024 (Annexure P-1) calculating the amount of gratuity and leave encashment payable to the petitioner and the pre-audit report dated 15.05.2024 (Annexure P-3) also confirmed the amount payable to him. The petitioner has not been paid the salary even for the period he worked in the respondent-Society, which comes to Rs.21,31,075/-. The petitioner served a legal notice dated 14.07.2025 (Annexure P-4) and when no action was taken, the petitioner filed CWP-22562-2025, which was disposed of by this Court vide order dated 06.08.2025 (Annexure P-5) with a direction to respondent No.3 to decide the legal notice (Annexure P-4). In purported compliance, respondent No.3 passed the impugned order dated 24.09.2025 (Annexure P-6) ordering the payments in installments, however, interest was denied.

3. Learned counsel for the petitioner submits that case of the petitioner is squarely covered by the judgment dated 16.09.2025 rendered by this Court in CWP-24420-2025 titled as Jagtar Singh Vs. State of Punjab and another, which was decided along with three other cases, wherein this Court considered the amendment carried out in Rule 19-A of Rules of 1997, vide which the retirement age was reduced from 60 years to 58 years. The said amendment was quashed by the Division Bench of this Court vide judgment dated 09.08.2024 passed in CWP-16052-2024 titled as Punjab State Agricultural Cooperative Societies Employees Union, Punjab Vs. State of Punjab and another and connected matters, declaring that amendment in Rule 19-A of Rules of 1997 is ultra vires and without legislative approval.

4. Learned State counsel representing respondents No.1 to 4 could not controvert the fact that amendment dated 24.09.2020 carried out in Rule 19-A of Rules of 1997 was set aside by the Division Bench of this Court vide aforesaid judgment dated 09.08.2024. However, he submits that the petitioner is not entitled to salary for the period, for which he has not worked. Further, the amendment was struck down on technical grounds and legislative repair in carrying out the same is well within the domain of respondent No.2 in terms of Rule 28 of Punjab Cooperative Societies Rules, 1963. As such, the societies cannot be burdened for the amendment, which was struck down by the Division Bench of this Court.

5. Having heard learned counsel for the petitioner as well as learned State counsel appearing on behalf of respondents No.1 to 4 and after perusing the record of the case file with their able assistance, present writ petition is being decided in limine without issuance of notice to respondents No.5 & 6 in order to

save judicial time of this Court and litigation costs of respondents No.5 & 6.

6. The issue involved in the present petition has already been considered and decided by this Court in Jagtar Singh's case (supra). It appears that the petitioner was forcibly retired at the age of 58 years on 31.10.2021 pursuant to the amendment in Rule 19-A of Rules of 1997, which stands set aside by the Division Bench of this Court being ultra vires. The petitioner was otherwise ready and willing to continue to serve the respondent-Society upto the age of 60 years.

7. Further, the principle of 'No Work, No Pay' cannot be applied mechanically in a scenario, where termination was illegal and amendment itself has been quashed. Thus, denial of arrears of salary for the intervening period amounts to perpetuating the illegality and causes undue hardship to the petitioner.

8. In view of the facts and circumstances of the case, present writ petition is disposed of and the respondents are directed to release the arrears of salary for the period w.e.f. 01.11.2021 to 31.10.2023 within a period of three months from the date of receipt of certified copy of this order.

9. So far as the amount of leave encashment and gratuity is concerned, respondent No.3 has already passed the appropriate orders. However, the respondent-Society is directed to pay the pending amount in the monthly installments within a span of one year from the date of receipt of certified copy of this order.

10. The pending miscellaneous application(s), if any, shall stand disposed of.