

From

Additional Chief Secretary to Government Haryana,
Finance Department.

To

1. All Heads of Departments
2. Commissioner of Divisions
3. All the Deputy Commissioners & Sub Divisional Officers (Civil) in Haryana.
4. The Registrar, Punjab & Haryana High Court, Chandigarh.

Memo No. 7/117/2025-4Pension (FD)
Dated Chandigarh, the 03.03.2026

Subject: CWP No. 36834-2025 **Sandeep Kumar** and Ors. Vs State of Haryana and Ors.(decided on 22.12.2025) Issue of cut of date.

Kindly refer to the subject noted above.

2. Number of CWPs have been filed by the petitioners including aforementioned CWP before Hon'ble Punjab & Haryana High Court with the prayer to set aside of Para No. 5(i) of the Office Memorandum dated 08.05.2023 to the extent cut-off date has been fixed as **28.10.2005 instead of 18.08.2008.**

In addition to above CWP the details of other CWPs are as under:-

Sr. No.	Particulars	Remarks
2	CWP-32172-2025 (O&M)	Sandeep Kumar & Ors.Vs State of Haryana and Ors.
3	CWP-36961-2025	Virender Kumar & Ors.Vs State of Haryana and Ors.
4	CWP-37282-2025	Surender Singh & Ors.Vs State of Haryana and Ors.
5	CWP-38595-2025	Sunil Kumar & Ors.Vs State of Haryana and Ors.
6	CWP-33390-2025	Sunil Kumar & Ors.Vs State of Haryana and Ors.
7	CWP-32857-2025	Krishan Kumar & Ors.Vs State of Haryana and Ors.
8	CWP-35241-2025	Vinod Kumar & Ors.Vs State of Haryana and Ors.

3. The above said writ petition(s) have been disposed off by Hon'ble Punjab & Haryana High Court vide its Order dated 22.12.2025. The operative part of Hon'ble Punjab & Haryana High Court Order dated **22.12.2025 passed in CWP-36834-2025 alongwith 07 CWPs** is reproduced as under:-

23. "The Central Government implemented NPS w.e.f. 01.01.2004 whereas State Government implemented w.e.f. **01.01.2006**. The petitioners are not claiming that NPS should be implemented w.e.f. 01.01.2004 instead of 01.01.2006. The State Government implemented NPS after two years from the date adopted by Central Government. The Central Government prepared NPS and thereafter dispensed with OPS. The State Government vide notification dated **28.10.2005** dispensed with OPS by carrying out amendment in Rule 1.2 of Civil Services Rules. The State Government made it clear that NPS would be applicable w.e.f. 01.01.2006. It was also made clear that NPS would be later on notified, The State Government notified NPS on **18.08.2008**. The Central Government notified NPS on 22.12.2003 and dispensed with OPS w.e.f. 01.04.2004. Central Government as per its wisdom while issuing office memorandum dated 03.03.2023 determined cut-off date 22.12.2003 i.e. the date on which NPS was notified. There was a small period of gap between the date of notification of NPS and abolition of OPS, thus, Central Government afforded to extend benefit of office memorandum dated 03.03.2023 to employees who had been appointed against a post which was advertised notified prior to 22.12.2003. In the case of State Government, there was a substantial gap between the date of abolition of OPS and notification of NPS. In the case of Central Government, gap between the date of notification of NPS and abolition of OPS was less than ten days whereas in the case of State Government, it was more than two and half years. **In such circumstances, the State Government has declared 01.01.2006 as cut-off date instead of 18.08.2008**. There seems no manifest arbitrariness or violation of fundamental rights of the petitioners **by choosing 28.10.2005 as cut off date instead of 18.08.2008**.

24. The petitioners have not challenged amendment of Rule 1.2 of Civil Services Rules as well as notification whereby NPS was introduced by State Government. The amendment to Rule 1.2 was made by notification dated **28.10.2005 and it was applicable w.e.f. 01.01.2006**. The memorandum was issued on **18.08.2008**, however, it was made applicable w.e.f. 01.01.2006. The notifications whereby amendment in Rule 1.2 was made and NPS was introduced are not under challenge. It means for all intents and purposes, NPS came into force w.e.f. 01.01.2006.

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If contention of petitioners is countenanced, the date of amendment of Rule 1.2 as well as implementation of NPS would transpose to **18.08.2008**. The Court has no authority to change date of amendment of Rules or date of introduction of NPS. It is apt to mention here that amendment in Rule 1.2 of Civil Services Rules as well as NPS was notified in exercise of power conferred by proviso to Article 309 of Constitution of India. Power under Article 309 of Constitution of India is plenary in nature. It is not a delegated power exercised by Executive.

25. The respondent in the office memorandum has notified **28.10.2005** as cut-off date. If said date is postponed in **18.08.2008**, would certainly create additional financial burden on State Exchequer. As laid down by Supreme Court, in financial matters, the legislature should be allowed some play in the joints. The Courts should be loathe in interfering with such matters. There is no absolute bar, however, interference should be limited because scope of interference is narrow. In the instant case, there is no compelling reason to declare impugned cut-off date invalid. The respondent as per its wisdom has fixed said date and there seems no reason to modify said date.

26. **The Petitioners were appointed after 01.01.2006 and at that point of time OPS did not exist. They were well aware that they are not entitled to OPS and would be governed by NPS. They must have contributed towards NPS in the previous 20 years. They have no vested or fundamental right to claim OPS.**

27. **In the wake of above discussion and findings, this Court is of the considered opinion that instant petitions deserve to be dismissed and accordingly dismissed.**

28. Pending application(s), if any, shall also stand disposed of".

4. You are, therefore, requested to defend all similar situated cases of your Department on the above terms and try to get the writs/cases disposed off from the Hon'ble Punjab & Haryana High Court.

5. The above order may be downloaded from the website of Finance Department i.e. www.finhry.gov.in.

[Signature]
Chief Accounts Officer (Pension)
for Additional Chief Secretary to Government Haryana
Finance Department

26/03/26

A copy is forwarded to the following for information and necessary action:-

1. Chief Secretary to Government, Haryana.
2. All the Administrative Secretaries to Government Haryana.

[Signature]
Chief Accounts Officer (Pension)
for Additional Chief Secretary to Government Haryana
Finance Department

26/03/26

To

1. Chief Secretary to Government, Haryana.
2. All the Administrative Secretaries to Government Haryana.

U.O. No. 7/117/2025-4Pension (FD)
Endst.No.7/117/2025-4Pension (FD)

Dated: 03.03.2026
Dated: 03.03.2026

A copy is forwarded to the following for information and necessary action:-

1. Director General, Treasuries & Accounts Department, Haryana, 30 Bays Building, Sector 17, Chandigarh.
2. Principal Accountant General (A&E) Haryana, Sector-33, Chandigarh.
3. In-charge, Computer Cell, Finance Department for placing the same on the website of Finance Department i.e. www.finhry.gov.in

[Signature]
Chief Accounts Officer (Pension)
for Additional Chief Secretary to Government Haryana
Finance Department

26/03/26