IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5201-2007 (O&M)
Date of decision : 01.04.2015

DEEP CHAND ...Petitioner

V/S

UNITED INSURANCE COMPANY AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Atul Yadav, Advocate for the petitioner.

Mr. D. R. Bansal, Advocate for the respondents.

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JITENDRA CHAUHAN, J. (Oral)

Prayer in the present petition filed under Articles 226 and 227 of the Constitution of India is for quashing order dated 20.11.2006 (Annexure P-3) whereby, the petitioner was declared not eligible for pension in terms of Para 14 of the General Insurance (Employees) Pension Scheme 1995 and further rejecting the claim of the petitioner for disbursement of employer's contribution of provident fund, as the petitioner had not opted for the same.

It is contended that the petitioner joined as Assistant on 28.12.1987 with the respondents and was relieved from the office of the respondents authorities on 31.03.2004 after being found eligible for

General Insurance Employees Special Voluntary Retirement Scheme, 2004 which was issued by respondent/authorities vide notification dated 01.01.2004. Thereafter the petitioner requested for release of his pensionary benefits but vide letter dated 29.06.2004, his request was declined.

Aggrieved thereby, the petitioner filed a writ petition and directions were issued to the respondent authorities to decide the representation of the petitioner but vide order dated 20.11.2006 (Annexure P-3) same was declined.

Hence, this writ petition.

Learned counsel for the respondents states that case of the petitioner is squarely covered under the judgment '**National Insurance Co. & Anr. Vs. Kirpal Singh' in Civil Appeal No.256 of 2014** (Annexure A-1) decided by the Hon'ble Supreme Court of India on 10.01.2014.

In ***National Insurance Co. & Anr. Vs. Kirpal Singh*** it has been held as under:-

> *"16. In the case at hand Para 2 of the Pension Scheme 1995 (extracted earlier) defines the expressions appearing in the scheme. But what is important is that such definitions are good only if the context also supports the meaning assigned to the expressions defined by the definition clause. The context in which the question whether pension is admissible to an employee who has opted for*

> *voluntary retirement under the 2004 scheme assumes importance as Para 2 of the scheme starts with the words "In this scheme, unless the context otherwise requires". There is nothing in the context of 1995 Scheme which would exclude its beneficial provisions from application to employees who have opted for voluntary retirement under the Special Scheme 2004 or vice versa. The term retirement must in the context of the two schemes, and the admissibility of pension to those retiring under the SVRS of 2004, include retirement not only under Para 30 of the Pension Scheme 1995 but also those retiring under the Special Scheme of 2004. That apart any provision for payment of pension is beneficial in nature which ought to receive a liberal interpretation so as to serve the object underlying not only of the Pension Scheme 1995 but also any special scheme under which employees have been given the option to seek voluntary retirement upon completion of the prescribed number of years of service and age."*

In the circumstances, the present petition is disposed of with a direction to the respondents to decide the case of the petitioner in terms of **National Insurance Co. & Anr. Vs. Kirpal Singh** (Annexure A-1), by passing a speaking order within four months from the date of receipt of a certified copy of this order.

(JITENDRA CHAUHAN)
01.04.2015 **JUDGE**
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