

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

CWP No.of 2011

Date of Decision: 20.1.2015

Ms.Rekha

..... Petitioner

Versus

Employees Provident Fund Organization and Ors.

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present:Mr.Raj Kaushik, Advocate for the petitioner

Mr.Sanjay Tangri, Advocate for respondents no.1 and 2

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

I have heard learned counsel for the parties and perused the paper-book.

This petition has been filed against the reasoning given in the reply (Annexure P-7) to the legal notice served by the petitioner on the Assistant Provident Fund Commissioner declining pension in terms of para 12 of the Employees Pension Scheme, 1995 framed under the Provident Fund and Miscellaneous Provisions Act, 1951 which requires a minimum of 10 years of contributory service before a member is entitled to pension under the Scheme. Indisputably, the Cooperative House Building Society Ltd., Mandi Gobindgarh was the employer of the petitioner. The petitioner became a member w.e.f. 1.9.1996 on voluntary basis alongwith a majority of its staff including the petitioner. Accordingly, the establishment was covered under the Act w.e.f. 1.9.1996. The petitioner took voluntary retirement from service on 31st October, 2003 and by then she had rendered 7 years 1 month of service which is less than 10 years of service statutorily required to earn pension under the Scheme. In the face of these facts, it may not be possible to intercede in the

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matter and grant relief to the petitioner without statutory justification, and therefore, this Court has no option but to dismiss the writ petition as misconceived. I find no merit in this petition.

Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

20.1.2015
MFK