

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

CWP-8254-2012 (O&M)  
Date of decision : 23.07.2015

Jaswant Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Rajesh Narang, Advocate,  
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

**JITENDRA CHAUHAN, J.**

By way of the present writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has, inter alia, sought issuance of direction to the respondents to consider the service rendered by the petitioner from 18.04.1974 to 30.09.2008, for the purposes of pension and pensionary benefits and to grant interest on the delayed payment of retiral benefits.

The learned counsel for the petitioner contends that the petitioner never opted for the CPF scheme and it was the duty of the department to deduct the CPF. Out of the total service of 34 years rendered by the petitioner, only 23 years and 11 months' service has been considered by the respondent-department for determining the pension/pensionary benefits. The delay of about ten years in issuance

of the CPF is attributable to the respondent-department only. The learned counsel for the petitioner further submits that he has not been paid interest on the delayed payment of pension and gratuity.

On the other hand, it is submitted on behalf of the respondents that the petitioner never exercised his option for CPF scheme, therefore, he did not make any contribution on the basis of which, the pension could be paid to the petitioner. Under the Act, the pension is paid from the contributory fund.

Heard learned counsel for the parties.

As the petitioner has not been able to place on record any evidence with regard to the fact whether any contribution was made by him, in the absence of such an evidence, the relief claimed by the petitioner cannot be allowed to him.

At this stage, the learned counsel for the petitioner states that he has instructions that certain deductions were made towards CPF.

In case, there is some evidence, the petitioner is free to revive the present petition in this regard.

As regards interest on the delayed payment, if so advised, the petitioner may represent to the competent authority who shall examine the case in the light of the judgments viz. ***A.S. Randhawa Vs. State of Punjab, 1997(3) S.C.T. 468*** and ***The Financial Commissioner, Haryana Vs. Hasan Singh Kanwar, 2010(1) SLR 788***, within a period of eight weeks from the date of receipt of a certified

copy of this judgment and in case, it reaches to the conclusion that the case of the petitioner is covered, the consequential benefits be released to the petitioner within eight weeks thereafter.

Dismissed.

**23.07.2015**

***atulsethi***

**(JITENDRA CHAUHAN)**  
**JUDGE**