

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4902 of 2015

DATE OF DECISION: SEPTEMBER 14, 2015

L.K.GROVER

...PETITIONER

VERSUS

CENTRAL ADMINISTRATIVE TRIBUNAL ETC. ...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

1. Whether the judgement should be reported in the digest? Yes/No

PRESENT: MR. G.P.S.BAL, ADVOCATE FOR THE PETITIONER.

M. JEYAPPAUL, J.

1. The writ petitioner who joined service in M/s Semi-Conductor Complex Ltd. (SCL) opted for voluntary retirement on 27.4.2006 and was retired voluntarily w.e.f. 1.5.2006. On 16.6.2006, M/s Semi-Conductor Complex Ltd. was wound up and in its place, newly registered Society, namely, Semi-Conductor Laboratory (SCL Society) was formed.

2. The grievance of the petitioner is that the newly formed Society did not ask for his option to join the pension scheme floated by it.

3. Heard the submissions made by learned counsel appearing for the writ petitioner.

4. There is no dispute to the fact that the writ petitioner retired voluntarily from service as on 1.5.2006. The newly formed SCL Society gave an option to join the Organization under its memorandum dated 16.6.2006. The SCL Society became operational w.e.f. 1.9.2006. It is found

that the petitioner had retired voluntarily from service even before an option was sought to join the newly formed Society which became operational w.e.f. 1.9.2006.

5. Therefore, in our considered view, the Central Administrative Tribunal, Chandigarh Bench (for short 'Tribunal') has rightly held that employer-employee relationship with the newly formed SCL Society between the SCL Society and the writ petitioner did not exist even on the date when an option was sought from the employees to join the newly formed Society. Under such circumstances, the petitioner, on merits, cannot seek for extending the benefits of the pension scheme floated by the newly formed SCL Society. The pension scheme had excluded the employees who had left the service prior to 1.9.2006 from the application of the pension scheme floated by the Society.

6. Further, we find that the writ petition is hopelessly barred by limitation, inasmuch as the writ petitioner has approached the learned Tribunal in the month of April, 2011 after a lapse of 4 years from the date of cause of action which arose in the month of May 2007, when SCL provident fund and pension scheme were circulated. Therefore, the writ petition fails and it stands dismissed.

(M. JEYAPPAUL)
JUDGE

September 14, 2015
Gulati

(DARSHAN SINGH)
JUDGE