

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.14886 of 1997

Date of Decision:17.05.2016

**Bhim Sain Kukreja (deceased)
through his LRs**

.....Petitioner

Versus

Haryana State Electricity Board and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr.K.L.Dhingra, Advocate,
for the petitioner.

Mr.Rajesh Gaur, Advocate,
for the respondents.

RITU BAHRI, J.(oral)

By way of present writ petition filed under Articles 226/227 of the Constitution of India, the petitioner is seeking a writ of mandamus directing the respondents to grant him pension and other related pensionary benefits w.e.f. 01.12.1996, the date on which, he was superannuated.

It is not in dispute that the petitioner joined as Assistant Line Man (ALM) on 17.06.1957 in PWD (Electricity Branch) under the then Govt. of Punjab. Thereafter, on the formation of Punjab State Electricity Board (for short "PSEB"), in 1959, the services of the petitioner were taken over by the PSEB. Subsequently, on bifurcation of the PSEB, as a result of formation of Haryana, the services of the petitioner were taken over by the Haryana State

Electricity Board. In February 1963, the petitioner gave his option to deduct employees' Provident Fund. Thereafter, the Executive Engineer, OP Division PSEB, Rohtak, started deducting employees' Provident Fund during the year, 1963 and this amount was deducted from the salary of the petitioner from 1963 till his retirement.

The respondents have denied this fact that the petitioner has submitted his option to shift from EPF to GPF scheme. It is not the case of the respondents that they ever sought option from the petitioner and, thereafter, he had opted to continue with the EPF Scheme. A Coordinate Bench of this Court in CWP No.15434 of 1997, titled as **Ravi Dutt Mehta Versus The State of Haryana and Others**, decided on 18.08.2004, under similar circumstances where the option had not been sought from the petitioner(therein), had allowed the writ petition and issued directions to the respondents to grant him all pensionary benefits after getting EPF deposited along with interest. The judgment in **Ravi Dutt Mehta's case(supra)** had been followed by the Coordinate Benches of this Court in CWP No.225 of 2009 titled as **Randhir Singh Versus State of Haryana and others**, decided on 07.07.2010 and in CWP No.5052 of 2012 titled as **Jia Lal Versus Uttar Haryana Bijli Vitran Nigam Limited and others**, decided on 04.09.2013.

After going through the judgments relied upon, the case of the petitioner is squarely covered by the decisions, rendered in **Randhir Singh** and **Jia Lal's cases(supra)**.

Accordingly, the writ petition is allowed and a direction is issued to the respondents to grant the pensionary benefits to the

petitioner w.e.f. 30.11.1996 along with other retiral dues within a period of **three months** from the date he deposits the entire amount of EPF along with interest as may be prescribed by the respondents. The amount required to be deposited by the petitioner along with interest shall be communicated to him by the respondents within a period of one month from the date of receipt of a certified copy of this order.

Ordered accordingly.

May 17, 2016
seema

(RITU BAHRI)
JUDGE