

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

**C.M. No.3107 of 2016 in/and
CWP No.11250 of 2013
Date of decision:15.3.2016**

Joginder Singh ... Petitioner
Versus
Punjab State Power Corporation Ltd. & ors. ... Respondents

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

Present: Mr. SK Rattan, Advocate,
for the petitioner.

Ms. Sarita Sangar, Advocate,
for the respondents.

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

RAJIV NARAIN RAINA, J.(Oral)

C.M. No.3107 of 2016

The order under consideration in the present application is dated 3.2.2016 passed ex parte respondent-corporation. Ms. Sarita Sangar, Advocate, has appeared for the Corporation and has explained that she had noted the wrong date and that is how she did not know of the date and thus failed to appear when the case was called for hearing. Her affidavit is accepted.

C.M. is allowed. The order dated 3.2.2016 is recalled. With the consent of the parties, main case is taken up for hearing.

Main case

The written statement filed by the respondents in Court

today, is taken on record. Copy supplied.

In view of the averment made in the written statement and on hearing PSPCL, the order dated 3.2.2016 would henceforth be treated as one as though it has been passed after hearing both the parties, the decision remaining the same. However, Ms. Sangar points out from her preliminary objections that the petitioner having served the respondents as a work charged employee, who was subsequently made regular that in order to bring him over from Employees Provident Fund to Old Pension Scheme, he would have to deposit his share of contributions along with interest at the statutory rate.

Accordingly, the petitioner would make an application in writing requesting that he be brought over from Employees Provident Fund to Old Pension Scheme. The petitioner would deposit the amount with the Corporation for deposit in the pension fund corpus. In case, the petitioner makes a further request that amount of deposit credited towards Employees Provident Fund the same may be adjusted from his pensionary dues including arrears of pay revision etc.

Keeping in mind that the petitioner was a low paid Beldar who retired as an Assistant Lineman in the year 2002 and not possibly having sufficient funds at his immediate command to make the deposit in one go to reap the benefit of the Pension Scheme, it is directed that the Corporation would devise easy payments, if possible, or from his outstanding dues. At any rate, this order will be read as part and parcel of the order dated 3.2.2016.

With the modification as above and directions, the main case
stands disposed of.

**(RAJIV NARAIN RAINA)
JUDGE**

15.3.2016
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