

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

CWP No.6874 of 2008 (O&M)

Date of decision : November 04, 2016

Balwant Singh

..... Petitioner

Versus

Punjab Agriculture University and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jaideep Verma, Advocate for the petitioner.

Mr. H.N.S. Gill, Advocate for the respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner Balwant Singh was working as Fieldman in the Department of Soils, Punjab Agriculture University. He retired from service on 31.12.2004. It is stated that as per Punjab Agriculture University, Pension and Provident Fund Rules and Notification dated 26.03.1998 (Annexure P-1), the employees of the University (teaching and non-teaching) with 10 years service to exercise option afresh from switching over from CPF to GPF (Pension Scheme) only three years before the retirement provided all Universities, constructions with interest is deposited in the Pension Corpus Fund.

The claim of the petition is that in pursuant to the said Notification (Annexure P-1), he submitted the option from Annexure R-1 (colly), which was duly received vide receipt No.6861, dated 10.08.2001.

However, no decision regarding his switching over from CPF to GPF (Pension Scheme) was taken till his retirement. Later on, the petitioner submitted representation and he was informed vide letter dated 11.10.2004 (Annexure P-5) that he had submitted the option of switching over from CPF to GPF (Pension Scheme) on 10.08.2001 but had withdrawn the same on the same day. The petitioner has also impugned the letter dated 19.10.2006 (Annexure P-11) vide which his prayer for switching over from CPF to GPF (Pension Scheme) has been declined.

The respondents in the written statement admitted that the petitioner had submitted the option on 10.08.2001 but it was stated that the same was withdrawn by him on the same day after signing the receipt register on the ground that the same was required to be verified by the Superintendent/Accounts Officer/Head of the Department. It was further stated that the detailed inquiry was held into the matter and it is concluded that option was withdrawn by the petitioner on the same day. The inquiry report (Annexure R-2) was submitted with the written statement. It was further stated that another inquiry was held by the Additional Director of Research (Agriculture), who also submitted the report (Annexure R-3) to the same effect. It was also stated that on 21.03.2002 i.e. after about six months of the said date, the petitioner filed a nomination form, nominating his wife to receive the amount due in his Contributory Provident Fund account in the event of his death. Further, he was handed over six monthly statement of CPF but he did not raise any objection. He was also supplied Form-16, wherein CPF was mentioned and the contribution of the employer was intimated to him but he did not raise any objection. Therefore, it was

submitted that now he cannot switch out from CPF to GPF (Pension Scheme).

I have heard learned counsel for the parties and have also carefully gone through the case file.

It is not denied that as per Notification (Annexure P-1) of the respondent-University, the petitioner had initially submitted the option on 10.08.2001 i.e. within the prescribed time, switching over from CPF to GPF (Pension Scheme). The plea of the respondents is that on the same day, the petitioner had withdrawn the same after signing the receipt register. In the inquiry report (Annexure R-2), the petitioner had taken the stand that he had signed the receipt register as he was not known to the concerned clerk and that the concerned clerk insisted him to identify himself and for the purpose of identification, he signed the receipt register.

I am of the view that the said plea is not acceptable. The option was submitted before the clerk but was withdrawn on the same day on the ground that the same was required to be verified by some authority. However, the same was not put up before the concerned authority. Therefore, the submission of the same before the Clerk and withdrawal of the same on the same day does not amount to submission of option so as to make it irrevocable. Normally, the employees are known to the staff of the concerned department. The original receipt register has been examined. Against all the entries of receipt register, the despatch number is mentioned, showing that the said letters have been despatched. However, in case of the petitioner, his signatures appeared against the receipt entry. His explanation is not acceptable and was rightly disbelieved by the inquiry officers

appointed by the respondents. One of the inquiries was held by Adm.-cum-Accounts Officer, College of Agriculture and the other inquiry was conducted by the Addl. Director of Research (Agriculture).

Further, it comes out that the petitioner was regularly supplied the list of CPF contribution for next more than three years but he never raised any objection during his service period as to why he has not been switched over from CPF to GPF (Pension Scheme) scheme. He remained silent till his retirement and raised the pleas of switching over only after his retirement.

It being so, it cannot be said that the petitioner had exercised a valid option to switch over from CPF to GPF (Pension Scheme). Therefore, the same was rightly declined by the respondents.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

November 04, 2016

sarita

Whether speaking / reasoned Yes

Whether Reportable: No