

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

CWP No.4086 of 2014

Date of decision: 25.01.2016

Jaswant Singh Chaudhary

....Petitioner

Versus

Haryana Vidyut Prasaran Nigam Limited and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.S. Kaliramma, Advocate
for the petitioner.

Mr. Pardeep Singh Poonia, Advocate
for respondent No.1.

None for respondent No.2.

RITU BAHRI J. (Oral)

The petitioner has filed this civil writ petition for quashing the impugned memo No.CH99/EBG 2385 dated 03.05.2013 (Annexure P-5) and further seeking direction to the respondents to release the unpaid cash medical allowance from the date of his retirement i.e. 31.10.2003 to 15.12.2011 along with interest.

The petitioner was working with the respondent-HVPN and he was retired from the service on 31.10.2003 after rendering satisfactory service as Executive Engineer. The

grievance of the petitioner is that he has filed number of representations for grant of benefit of switching of from EPF to GPF and pension scheme and when the final decision was not taken by the respondent-HVPN, then he was forced to file CWP No.11209 of 2009, before this Court.

In CWP No.11209 of 2009, the Co-ordinate Bench of this Court has allowed the writ petition with direction to the respondents to extend the benefit of switching of from EPF to GPF and pension scheme to the petitioner. The aforesaid writ petition was allowed on 15.12.2011 (Annexure P-1). A perusal of the order (Annexure P-1) shows that the petitioner had joined services in the year 1968 when there was no provision for either of the schemes and EPF scheme had been introduced in the year 1978. The scheme of GPF as well as pension was introduced in the year 1984. The petitioner was required to exercise his option and inform the establishment within a particular time. In the absence of exercising any option the petitioner's claim for switching over from EPF to GPF was being accepted by the respondents. The said writ petition was allowed vide Annexure P-1, by giving directions that the benefit of contributions that he was bound to make from the time when the scheme was in operation shall be calculated and the said amount shall at the option of the respondents be adjusted against the petitioner's entitlement and necessary benefit under the GPF scheme be extended to him.

Thereafter, a contempt petition was also filed which was disposed of by Co-ordinate Bench of this Court vide order dated 25.07.2012 (Annexure P-2). However, at the time of disposing of the contempt petition, the petitioner was given the liberty to approach for any shortfall of any amount which the respondents were required to be paid. The petitioner made a representation vide Annexure P-3, for grant of medical allowance w.e.f. 31.10.2003. He made the said representation for release of medical allowance from the date of his retirement. In this representation he had stated that he had been allowed the said benefit w.e.f. 15.12.2011. This representation has been rejected vide Annexure P-5.

In the written statement, the respondents are not disputing that in compliance of the orders passed by this Court in CWP No.11209 of 2009 (Annexure P-1), the petitioner was extended the benefit of switching over from EPF to GPF and further they are not disputing that the scheme of GPF was introduced in the year 1984. The necessary conclusion would be that with effect from 1984, all the employees who were governed by the GPF were entitled to the benefit of cash medical allowance which was introduced by the respondents. The respondents are not disputing that after switching over the scheme of GPF, all the employees were entitled for the benefit of cash medical allowance from HSEB Dispensaries/Board.

Once the petitioner was switched over to the GPF scheme as per Annexure P-1, then he could not be denied the benefit of medical allowance w.e.f. 31.10.2003.

Keeping in view the above facts and circumstances, the impugned memo No.CH99/EBG 2385 dated 03.05.2013 (Annexure P-5) is set-aside. The present writ petition is allowed and the respondent-HVPN is directed to give the cash medical allowance w.e.f. 31.10.2003 along with 9% interest to the petitioner.

(RITU BAHRI)
JUDGE

25.01.2016

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