

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.1036 of 2016

Date of decision: March 02, 2017

Dalbir Singh

...Petitioner

Versus

Rajesh Chander Gauri

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. K.S. Sekhon, Advocate for the petitioner.
Mr. R.S. Pandher, Advocate for the respondent.

Rajan Gupta, J.(oral)

Learned counsel appearing for the respondent has reiterated today that order passed by the writ court has been complied with. He has referred to paras 6 and 7 of the affidavit dated 30.9.2016. Same read as under:-

“6. That by orders dated 20.11.15, the Ld. Registrar Cooperative Societies Punjab dismissed the prayer of the petitioners to continue the pension Scheme 2005. The Ld. Registrar Cooperative Societies, Punjab has rightly observed in its order dated 20.11.15 that the scheme has serious flaws and was designed to favour the small number of retirees or those on the verge of retirement at the cost of large number of young serving employees.

After the above said orders dated 20.11.15, passed by the Ld. Registrar Cooperative Societies, Punjab, the corpus of the petitioners/employees was returned on 10.12.2015.

7. That it is submitted that the petitioner namely Dalbir Singh contributed amount of Rs.1,06,393/- due till May 2004, towards Pension Fund and he has been paid total amount of Rs.289691/- i.e. amount of Rs.1,83,298/- as pension and refund of amount of Corpus i.e. Rs.1,06,393/- on 10.12.2015. The petitioner has been paid pension from June 2015 to Oct. 2015 in pursuance of the orders of Hon'ble High Court dated 19.5.2015.

It is submitted that in CWP No.17731 of 2013, there was no interim order to pay pension to the petitioner, and the same was directed to be listed along with CWP No.2581 of 2013. The copies of orders dated 23.08.13 and 11.09.13 are annexed herewith as Annexure R-1 (Colly). It is submitted that by order dated 05.05.2014, in the bunch of petitions listed along with CWP No.1038 of 2013, the Hon'ble High Court clarified that the petitioners who had already withdrawn their contribution by exercising their option shall not be entitled to receive pension in terms of interim orders. Hence, because of lack of interim order, the petitioner was not entitled to receive pension. It was by order dated 19.05.15, passed in CWP No.1038 of 2013 and other petitions, that the Hon'ble High Court directed the petitioners to raise their grievance before the competent authority, and directed to pay pension to the petitioners till the finalization of proceedings before the competent authority. Accordingly the petitioner was paid pension from June 2015 to Oct. 2015 in pursuance of the orders of Hon'ble High Court dated 19.5.2015."

In view of above, counsel for the petitioner submits that he be allowed to withdraw the present petition with liberty to avail alternative remedy, if any.

In view of the statement made by learned counsel for the petitioner, this petition is dismissed as withdrawn with liberty as aforesaid.

(RAJAN GUPTA)
JUDGE

March 02, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No