379 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.16519 of 1997 (O&M)
Date of decision : March 14, 2017

Kesar Ram Singla .... **Petitioner**

Versus

State of Punjab and others .... **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Balbir Singh, Advocate for the petitioner.

Mr. R.S. Pathania, DAG, Punjab.

Mr. Ankit Aggarwal, Advocate for
Mr. Anupam Singla, Advocate for respondent Nos.2 and 3.

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 ?

<u>KULDIP SINGH J. (ORAL)</u>

Petitioner, who was working as Inspector in PRTC retired from service on 31.03.1995. It comes out that a pension scheme called Pepsu Road Transport Corporation Employees Pension/Gratuity and General Provident Fund Regulations, 1992 (for short 'Pension Regulation 1992') introduced by the Department under which the options for pension were invited. The petitioner submitted the said option. But in terms of Regulation 3(H) of the Scheme, petitioner failed to deposit the loan/advance with interest received by him from Contributory Provident Fund within the stipulated period of six months. Therefore, his option for pension scheme was rejected, which was conveyed to him vide letter No.27630, dated 15.02.1993 and accordingly, his pension was declined.

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

Learned counsel for the petitioner contends that the rejection letter was never conveyed to the petitioner. It is further contended that he was never asked to deposit the loan/advance taken by him from CPF.

The matter has been considered by this Court in case of ***"Ratti Ram v PRTC and another",*** in CWP No.9740 of 1999, decided on 01.03.2017, wherein it was held as under:

> "*I am of the view that the non-conveying of the letters is immaterial. The fact that the petitioner had exercised the option under Pension Regulations 1992 shows that he was aware about the contents of the said Regulation. The Regulation itself provides that option is to be exercised within six months and that the employee who failed to refund the amount of loan taken out of the employer's share of the contributory fund along with interest within six month, shall not be governed by these Regulations. Therefore, the petitioner having knowledge of these Regulations, was not required any further intimation to refund the loan to enable him to be covered by the said Regulations. Petitioner admittedly failed to refund the said loan taken from the employer's share of the contributory provident fund and therefore, he was rightly held to be not covered by the said Regulations. It comes out that loan was to be deposited till 14.12.1992. Petitioner did not refund the same. He retired from service on 30.4.1998 and from 14.12.1992 till his retirement on 30.04.1998 the petitioner remained silent."*

It was further held that under Regulation 24 does not nullify the effect of Regulation 3. Therefore, the dues cannot be adjusted under Regulation 24.

It being so, I am of the view that since the petitioner has failed to deposit the loan/advance taken out of CPF within the stipulated period of six months, he is not entitled to the benefits of Pension Regulation 1992. As such, the petitioner is not entitled to the pension.

Learned counsel for the petitioner contends that some of the amount of gratuity has not been paid.

On the other hand, learned counsel for the respondent Nos.2 and 3 has specifically replied that the gratuity as calculated under the CPF rules was paid to the petitioner.

It being so, I do not find any merit in the present petition. As such, the same is dismissed.

(KULDIP SINGH)
JUDGE

March 14, 2017
sarita

Whether speaking / reasoned Yes

Whether Reportable: No