

**1586 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.18708 of 2010 (O&M)

Date of decision : May 04, 2017

Ram Kumar Sharma

..... Petitioner

Versus

The Bhakra Beas Management Board and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.S. Malik, Advocate for the petitioner.

Mr. Sumit Gupta, 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)

The petitioner retired from service of the respondent-Board on 30.04.2010. Earlier the Board has introduced their Pension Scheme dated 01.03.2002 (Annexure P-1). However, it comes out that vide letter dated 14.01.2008 (Annexure P-2), it was decided to give a fresh option to the employees, who were recruited prior to 01.01.2004 to exercise fresh option to shift from CPF to GPF. The said option was to be exercised within month from the date of issuance of the letter dated 14.01.2008 (Annexure P-2)

The petitioner claims that since he came to know that the matter has been decided by the management, therefore, he submitted his option to shift from CPF to GPF on 11.01.2008 (Annexure P-3) i.e. before issuance of the letter dated 14.01.2008 (Annexure P-2). The same is not disputed by the respondent. The petitioner further claims that when this letter was circulated, he exercised the fresh option on 29.01.2008 (Annexure P-4). The receipt of the second option on 29.01.2008 is denied by the respondent. The petitioner was directed to file the copy of the original letter, which he has produced as Annexure P-9.

A perusal of Annexure P-9 shows that the said letter was circulated on 14.01.2008 in the different departments. One endorsement on 31.01.2008 and the second endorsement on 29.01.2008. On the said letter, the petitioner has given noting that he is interested in changing his option from CPF to GPF. The respondents have denied the authenticity of said letter. Since the option was exercised by the petitioner before the formal letter dated 14.01.2008 (Annexure P-2) was issued and he again exercised option on 29.01.2008 when the said letter dated 14.01.2008 was got noted from him. Therefore, the petitioner is deemed to have opted shifting from CPF to GPF in terms of letter dated 14.01.2008 (Annexure P-2).

The respondents are, accordingly, directed to recalculate the retiral benefits in terms of the said option and pay the same to the petitioner, subject to the compliance of the conditions for shifting from CPF to GPF.

The petitioner is directed to deposit his share of CPF along with interest as per Government instructions within one month from today. Thereafter, the respondents shall pass necessary order within two months.

In view of the above, the present petition is allowed.

(KULDIP SINGH)
JUDGE

May 04, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No