

**CWP No. 14447 of 2017
DECIDED ON: JULY 07, 2017**

JYOTI BINDRA

.....PETITIONER

VERSUS

UNION OF INDIA & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought the issuance of writ in the nature of mandamus directing respondents No.2 and 3 to grant pension to the petitioner on actual wages strictly in terms of para 11 (3) of Employees Pension Scheme, 1995 (Annexure P-5) clarificatory circular dated 22.11.2006 (Annexure P-6) and the judgment rendered by Hon'ble Supreme Court of India in case of R.C. Gupta and others vs. Regional Provident Fund Commissioner and others in Civil Appeal No. 10013-10014 of 2016 decided on 04.10.2016 (Annexure P-15) by ignoring the orders dated 26.06.2012 (P-9) and communication dated 07.11.2014 (P-12) the same being contrary to law laid down by Hon'ble Supreme Court of India, forthwith without any delay along-with interest @ 12% per annum.

Learned counsel for the petitioner has contended that legal notice dated 19.04.2017 (Annexure P-17) was served upon the respondents. Though, a reply dated June 29, 2017 (Annexure P-18) has been given by the respondents to the legal notice, yet till date no further action has been taken in the matter. The relevant portion of the reply to the legal notice is extracted below:-

“In this connection is stated that as under:-

That advise your client that the clarification in this regard was called for from Additional Central P.F. Commissioner, Chandigarh vide this office letter No. Pension Cell/RO/Asr/Correspondence/520, dated April 11, 2017 pension case of your client will be processed after receipt of reply from Additional Central P.F. Commissioner Chandigarh.”

Since the matter in question has already delayed, instant petition is disposed of with a direction to respondents No.2 and 3 to expedite the matter and take a decision within a period of three months from the date of receipt of certified copy of this order; that too, in the light of the judgment rendered by Hon'ble Apex Court in the case of **R.C. Gupta & others vs. Regional Provident Fund Commissioner Employees Provident Fund Organisation & others;** in Civil Appeal No. 10013-10014 of 2016, decided on 04.10.2016 (Annexure P-15).

However, if the petitioner still feels aggrieved by any order of the afore-said authorities, she shall be at liberty to approach this Court.

JULY 07, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*