

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

- [1] Letters Patent Appeal No.183 of 2009 (O&M)
Date of Decision: April 26, 2017
Managing Director, Pepsu Road Transport CorporationAppellant
versus
Jagjit Singh and anotherRespondents
- [2] Letters Patent Appeal No.120 of 2009 (O&M)
Managing Director, Pepsu Road Transport Corporation & anr.....Appellants
versus
Kartar SinghRespondent
- [3] Letters Patent Appeal No.184 of 2009 (O&M)
Managing Director, Pepsu Road Transport CorporationAppellant
versus
Harchand Singh and othersRespondents
- [4] Letters Patent Appeal No.379 of 2009 (O&M)
Managing Director, Pepsu Road Transport Corporation & anr.....Appellants
versus
Sukhbir KaurRespondent
- [5] Letters Patent Appeal No.135 of 2009 (O&M)
Managing Director, Pepsu Road Transport Corporation & Ors.....Appellants
versus
Kapoor SinghRespondent
- [6] Letters Patent Appeal No.185 of 2009 (O&M)
Managing Director, Pepsu Road Transport CorporationAppellant
versus
Sukhdev Ram and othersRespondents
- [7] Letters Patent Appeal No.186 of 2009 (O&M)
Managing Director, Pepsu Road Transport CorporationAppellant
versus
Sher Chand and anotherRespondents
- [8] Letters Patent Appeal No.187 of 2009 (O&M)
Managing Director, Pepsu Road Transport CorporationAppellant
versus
Gurnam Singh and anotherRespondents

LPA No.183 of 2009 (O&M) & connected cases [2]

[9] Letters Patent Appeal No.280 of 2009 (O&M)
Managing Director, Pepsu Road Transport Corporation & anr.....Appellants
versus

Manohar Lal and anotherRespondents

[10] Letters Patent Appeal No.282 of 2009 (O&M)
Managing Director, Pepsu Road Transport Corporation & Ors.....Appellants
versus

Gian ChandRespondent

[11] Letters Patent Appeal No.293 of 2009 (O&M)
Managing Director, Pepsu Road Transport CorporationAppellant
versus

Mohinder Singh and anotherRespondents

[12] Letters Patent Appeal No.419 of 2009 (O&M)
Managing Director, Pepsu Road Transport CorporationAppellant
versus

Raghubir Singh and anotherRespondents

[13] Civil Writ Petition No.24129 of 2014 (O&M)
Nasib Chand and anotherPetitioners
versus

PEPSU Road Transport CorporationRespondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Harsh Aggarwal, Advocate, for the appellants
Mr.Vikas Chatrath, Advocate, for the petitioner in CWP.
Mr.Ankit Aggarwal, Advocate, for
Mr.Anupam Singla, Advocate, for the appellant in LPA.120/09.
Mr.Vikas Bahl, Senior Advocate with
Ms.Balpreet Kaur, Advocate and
Mr.Vikas Singh, Advocate, for the respondent(s).

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Surya Kant, J. (Oral)

This order shall dispose of LPA Nos.120, 135, 183, 184, 185,
186, 187, 280, 282, 293, 379, 419 of 2009 and CWP No.24129 of 2014 as
common question which falls for consideration in these cases is whether the

private-respondents who retired from the service of the appellant-

Corporation, are entitled to opt for 'Pension Scheme' in place of 'Contributory Provident Fund Scheme'?

[2] Learned Single Judge has answered this question in favour of the employees primarily on the basis of a Division Bench judgment of this Court in PRTC versus Balwant Singh, 2007(1) SCT 828 and another judgment of a learned Single Judge in Hari Singh versus Pepsu Road Transport Corporation and another besides other Single Bench judgments referred to by the learned Single Judge while upholding the claim of respondents.

[3] However, much water has flown after the decision of the learned Single Judge as the question re: option for 'Pension Scheme' in place of 'Contributory Provident Fund Scheme', with reference to the Regulations and Instructions of the appellant-Corporation, has been expressly gone into by the Hon'ble Supreme Court in (i) Pepsu Road Transport Corporation versus Mangal Singh and others, 2011(11) SCC 702, (ii) Pepsu Road Transport Corporation versus Amandeep Singh and others, AIR 2017 (SC) 321. In Amandeep Singh and others' case (*supra*), the Division Bench judgment of this Court in Balwant Singh's case (*supra*) has been reversed. Sant Ram's judgment of this Court relied upon by the respondents was of course upheld by the Apex Court as Special Leave Petition against it was dismissed.

[4] From the reading of the decisions in Mangal Singh's and Amandeep Singh and others' cases (*supra*), we are satisfied that no general direction can be issued to accept or reject the claim of private-respondents. Each case has to be examined on the basis of its own facts so as to determine, (i) whether the employee had exercised option for pension

Scheme within the stipulated period and if so, (ii) whether such employee had complied with other statutory conditions contained in the Regulations/Instructions. Suffice to observe that all the conditions contained in the Regulations/Instructions have been held to be mandatory in nature and the appellant-Corporation as well as the employees are obligated to comply with such conditions. It is only in a case where the conditions are complied with that the employee is entitled to switch over to the pension Scheme.

[5] Since vide orders under appeal, learned Single Judge has not examined the individual claims on merits, we allow these appeals in part; set-aside the order of learned Single Judge and remit the cases to the learned Single Judge for determination of individual claims of each respondent-employee on the basis of facts of each case. Since the matter pertains to pensionary Scheme, we request the learned Single Judge to make an endeavour to decide the cases within a period of four months. Since we have not gone into merits of the rival contentions raised on behalf of the parties, liberty is granted to them to raise their pleas before the learned Single Judge.

Parties are directed to appear before the learned Single Judge on 15.05.2017.

**[SURYA KANT]
JUDGE**

April 26, 2017
mohinder

**[SUDIP AHLUWALIA]
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CM No.576 of 2009 in
LPA No.183 of 2009

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Managing Director, PRTC versus Jagjit Singh and another

Present: Mr.Harsh Aggarwal, Advocate, for the appellants
Mr.Vikas Bahl, Senior Advocate with
Ms.Balpreet Kaur, Advocate and
Mr.Vikas Singh, Advocate, for the respondent(s).

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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and 53 days' delay in filing the appeal
is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

April 26, 2017
mohinder

(SUDIP AHLUWALIA)
JUDGE