

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

**CWP No.27023 of 2016 (O&M)
Date of decision : March 15, 2017**

Dr. Mange Ram Haru

..... Petitioner

Versus

Chaudhary Charan Singh Haryana Agriculture University and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Anurag Jain, Advocate for the petitioner.

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)

Learned counsel for the petitioner contends that the petitioner was working as Associate Professor in Chaudhary Charan Singh Haryana Agriculture University, Hisar and was posted in the Sports College. The University has formulated the pension policy, which came into effect from 11.06.1992. The petitioner opted to continue with CPF. Thereafter, the options were again invited in 1999 and 2001 to switch over from CPF scheme to the pension scheme.

According to learned counsel for the petitioner, in the year 2001, the petitioner had opted for pension scheme. He retired from service on 31.10.2015. He was not granted the pension.

Learned counsel for the petitioner has also referred to the information obtained under RTI dated 08.09.2016, wherein the Department has stated that it is not possible to ascertain that the circulars issued by the Comptroller's office were got noted to Dr. Mange Ram Haru (present

petition) or not.

Learned counsel for the petitioner further contends that as per circular of 2001, the same was to be got noted from all the employees. However, the same was not got noted from the petitioner. It was further stated that at the time when the said circular was issued, the petitioner was on leave and now his request for change of option has been declined.

I am of the view that the circular was issued in the year 2001. Now, after 16 years, the Department might not have the entire record regarding noting down of the said circular of each employee. The petitioner retired from service on 31.10.2015 and now he has sought the information under RTI in the year 2016. I am of the view that it is a question of leading of evidence to determine as to whether the circular of 2001 was got noted down from the petitioner or not. Therefore, the matter cannot be decided in the exercise of writ jurisdiction.

In these circumstances, the petitioner is relegated to avail the remedy before the civil court. As such, the present petition is disposed of.

(KULDIP SINGH)
JUDGE

March 15, 2017

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Whether speaking / reasoned Yes

Whether Reportable: No