

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

CWP No. 5595 of 2017

Date of decision: 20.03.2017

Rash Pal Singh

... Petitioner

versus

Kurukshetra University, Kurukshetra and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Suram Singh Rana, Advocate for the petitioner.
Mr. Naveen Sheoran, Deputy Advocate General Haryana.

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 present petition has been filed under Articles 226/227 of the Constitution of India seeking for quashing of Annexures P3 and P4 dated 01.09.2016 and 15.09.2016 respectively and directing the respondents to pay pension and other pensionary benefits to the petitioner along with interest at the rate of 12% per annum.

The petitioner was working as a Head Security Man with the respondent-University and retired from service on 31.10.2009 after attaining the age of superannuation. Petitioner seeks quashing of orders dated 01.09.2016 and 15.09.2016 (Annexures P3 and P4) respectively vide which he was informed that as per the pension record, he did not opt for pension scheme during the year 1997 and 2004, therefore, the

same cannot be allowed to him.

It comes out that the Kurukshetra University-respondents implemented a pension scheme which came into effect from 01.04.1995. The existing employees were to opt for the said scheme. The petitioner did not opt for the said scheme inspite of one more chance given to the employees vide letter endorsed on 21.10.2004 (Annexure P2).

The claim of the petitioner is that the scheme was not got noted from him after its implementation. He claimed that he came to know about the scheme from one Manjit Singh who had filed Civil Writ Petition No. 25827 of 2013 titled as Manjit Singh Vs. Kurukshetra University, Kurukshetra decided on 08.04.2016, (Annexure-P5) thereafter he sought the information under RTI and filed the present petition. A reference is also made to another writ petition of this Court in CWP No. 4944 of 2015, Bali Ram Vs. Kurukshetra University and another. A perusal of the authorities Annexure P5 & P6 shows that the department was directed to re-consider the case of the petitioner under the pension scheme, but, no specific direction was given that petitioner should be allowed to exercise fresh option. The notification of the Scheme is itself a notice to all the employees. Petitioner was working in the said University till his retirement i.e. 31.10.2009, even thereafter, he filed the present petition after 8 years i.e. in 2017. Counsel for the petitioner also place reliance

upon the judgment of Hon'ble The Supreme Court of India in **Asger Ibrahim Amin Vs. Life Insurance Corporation of India, 2015 AIR (SCW) 6362**. The said authority is not regarding the exercise of option for which cut of date is given and is not applicable to the facts of present case.

The petition is badly barred by delay and latches. Moreover, the petitioner has failed to show that he has exercised the option within the stipulated period. In view of the above, present petition stands dismissed.

(KULDIP SINGH)
JUDGE

20.03.2017

kv

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No