

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9986 of 2017 (O/M)

Date of decision : 10.5.2017

Ram Kumar Petitioner (s)
Versus
State of Haryana and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ram Niwas Sharma, 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 ?

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KULDIP SINGH J. (ORAL)

The petitioner retired as a Lab Technician on 31.7.2006 from respondent No. 3-University on attaining the age of superannuation. At that time, he had opted for Contributory Pension Fund Scheme (in short 'CPF Scheme'). It is stated that on 6.7.2005, the option was sought for shifting from CPF Scheme to Pension Scheme. The petitioner exercised the said option, but no action was taken thereon. Later on, respondent-University issued a notification endorsed on 8.3.2011 (Annexure-P-3), whereby a mock exercise was undertaken, inviting option for change of option from CPF Scheme to Pension Scheme, in which it was made clear that it may not be construed as an offer and the decision on the issue shall purely depend on the approval of the State Government vis-a-vis the financial viability. It shows that the mock exercise was undertaken just to calculate the financial viability in case such option is exercised and thereafter, the Government, vide letter dated 1.12.2011 (Annexure-P-4), agreed to grant one more chance to respondent-University's left out eligible employees for change of option from CPF Scheme to Pension Scheme, subject to the condition that the

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entire expenditure on this account shall be borne by the University itself and no such request shall be considered in future. The petitioner claims that he also made a request for change of option, which was declined, vide order dated 5.4.2015 (Annexure-P-7). The petitioner also claims that vide letter dated 1.12.2011 (Annexure-P-4), the serving employees of respondent-University were allowed the change of option from CPF Scheme to Pension Scheme and the same benefit was not extended to the retired employees and the discrimination was made.

So far as order dated 5.4.2015 (Annexure-P-7) is concerned, it appears that the petitioner wrote a letter without the option being invited by respondent-University. The mock exercise undertaken, vide letter endorsed on 8.3.2011 (Annexure-P-3), does not give any vested right, as mentioned in the letter itself. So far as the letter dated 1.12.2011 (Annexure-P-4) is concerned, the petitioner claims that the retired employees were discriminated. The petitioner remained silent for more than 5 ½ years. Now, he wants to change the option from CPF Scheme to Pension Scheme.

First of all, challenge to the letter dated 1.12.2011 (Annexure-P-4) on the ground of discrimination is barred by delay and latches. Secondly, without the university inviting fresh option, the Court cannot allow the option of shifting from CPF Scheme to Pension Scheme at any time, that too after the retirement. There is no merit in the present writ petition. Therefore, the same is dismissed.

(KULDIP SINGH)
JUDGE

10.5.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No