

\$~29

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1154/2017

JAI KANWAR TYAGI

..... Petitioner

Through Mr. Nasir Ahmed, Mohd. Muzahir
Husain and Mr. Zakir Husain, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

10.02.2017

The petitioner a retired employee of the Rajghat Samadhi Committee claims right and entitlement to pensionary benefits as Central Civil Service (CCA) Rules, 1965 have been made applicable to them.

2. The Rajghat Samadhi Committee, has been constituted under the Rajghat Samadhi Act, 1951. Employees of the Rajghat Samadhi Committee by Bye-law 35, are entitled and covered under the Contributory Provident Fund Scheme. Bye-law 35 reads:-

“35. Contributory Provident Fund: (1) The Committee shall maintain and administer a separate fund to be known as Rajghat Samadhi Committee Contributory Provident

Fund. Every employee, except probationer or a casual worker or a part-time worker, shall contribute to the Contributory Provident Fund at such rate as is contained in the Contributory Provident Fund (India) Rules, 1962, as amended from time-to-time. The contribution shall be realized from each month's pay and allowances of the employee.

(2) The Committee shall contribute, from its own funds to the account of every employee in the Contributory Provident Fund on 31st March of every year, an amount equal to the total amount realized during the year from the employees concerned but not exceeding the rate contained in the Contributory Provident Fund (India) Rules, 1962, as amended from time to time.

(3) The Committee shall pay interest on the subscription made by an employee in accordance with the provision contained in the Contributory Provident Fund (India) Rules, 1962.

(4) The provision of Contributory Provident Fund (India) Rules, 1962 shall also apply to the subscribers to the Fund, in regard to advances from the Fund, withdrawal from the Fund, final withdrawal of accumulations in the Fund etc.”

Clearly, the Pension Scheme has not been made applicable to the employees of Rajghat Samadhi Committee. The petitioner has been paid his as well as the contribution of Rajghat Samadhi Committee under the Contributory Provident Fund.

3. The contention of the petitioner that Central Civil Services (CCA) Rules, 1965 apply and therefore the pension provisions by

implication would be applicable is misconceived and fallacious.

4. The writ petition has no merit and is accordingly dismissed.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

FEBRUARY 10, 2017
NA