

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.27254 of 2003

ORDER:

This writ petition is filed seeking pension under the Employees Pension Scheme of 1995. Counsel for petitioner submits that the petitioner was removed from service and in pursuance of the orders passed in Review WPMP.No.5833 of 1999 in W.P.No.11072 of 1999, dated 17.03.1999, the petitioner was reinstated into service and within four months of reinstatement, the petitioner has attained the age of superannuation. Counsel for petitioner further submits that though the petitioner has not contributed any amounts towards Employees Pension Scheme of 1995 during the out of employment period, on humanitarian grounds, pension be granted to the petitioner under the said Pension Scheme.

This Court, having considered the said submission, is of the considered view that until and unless an employee contributes towards Employees Pension Scheme of 1995, pension cannot be granted. At least, the petitioner should have requested the authorities that he is willing to contribute his contributions for out of employment period in one lump sum, and upon such lump sum contribution being made, then, the petitioner would have been entitled for pension under the Employees Pension Scheme of 1995, but, no such effort was made by the petitioner to pay contributions from his side for out of employment period. In the absence of any contributions being made under the Employees Pension

Scheme of 1995, the petitioner cannot seek pension under the said scheme.

For the above reasons, there are no merits in the writ petition and the same is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

26th December 2018

ajr

