

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

LPA No.479 of 2017(O&M)

Date of decision: 16.07.2018

Surinder Singh Pathania

... Appellant

Versus

U.T. Khadi and Village Industries Board, Chandigarh and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. R.K. Sharma, Advocate for the appellant.

ARUN PALLI, J. (Oral)

This is an appeal under clause X of the Letters Patent against an order and judgment dated 17.01.2017, rendered by the learned Single Judge, vide which the writ petition preferred by the appellant seeking a direction to the respondents to implement the pension scheme as applicable to the employees of Chandigarh administration to the employees of U.T. Khadi and Village Industries Board, Chandigarh (for short, 'the Board'), has since been dismissed.

The appellant-petitioner joined the Board (respondent No.1) as Clerk/Steno-typist on 04.05.1978. In brief, his case has been that he is governed by the same set of Rules as applicable to the employees of the Chandigarh administration and thus he may also be granted pension and pensionary benefits. Concededly, the Board is an autonomous body and since its inception only the CPF scheme was applicable to its employees and no pension scheme was ever adopted or implemented by the Board. Undoubtedly, on numerous occasions proposals were sent by the Board to

Chandigarh administration to issue the requisite notification to implement the pension scheme, but to no avail. It is not disputed that to date neither any such notification has been issued nor any such scheme has been implemented as regards the employees of the Board. The argument advanced by the learned counsel for the appellant that the Board in one of its meeting had unanimously resolved to follow the instructions, rules and service conditions as adopted by the Chandigarh administration, also lacks conviction, for that by itself would not mean that pension scheme was accepted and was to be implemented vis-a-vis the employees of the Board. Needless to assert, for implementing any such scheme certain rules were required to be framed and got approved from the Chandigarh administration. Thus, in the given situation, claim of the petitioner that he was entitled to be awarded pension at par with the employees of the Chandigarh administration was wholly misconceived. Not just that, the petitioner retired from service as Technical Supervisor (C&B) on 29.04.2011 and since then he continues to draw the benefits under the CPF scheme. Thus, the writ petition filed by the petitioner four years' post his retirement in the year 2015 not only suffered from delay and latches, but was also speculative in nature. On being pointedly asked, learned counsel for the appellant could not refer to anything on record to show if the conclusion arrived at by the learned Single Judge was either contrary to the record or suffered from any material illegality.

The appeal being devoid of merit is accordingly dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

16.07.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO