

RA-CW-377-2017 (O/M) in
CWP-10837-1996 (O/M)
COCP-2315-2017 (O/M)

Lt. Col. Kanwar Dharam Pal Singh (Retd.) Versus KU and others

Present:- Mr. A.S. Virk, Advocate,
for applicants-respondents No. 1 and 2 in RA-CW-377-2017
and for respondents in COCP-2315-2017.

Mr. O.P.S. Tanwar, Advocate,
for non applicant-petitioner in RA-CW-377-2017 and
for petitioner in COCP-2315-2017.

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RA-CW-377-2017 in CWP-10837-1996

Heard.

An application has been filed by applicants-respondents No. 1 and 2 Kurukshetra University, Kurukshetra, for review of judgment dated 15.12.2016, passed by this Court in CWP-10837-1996, giving direction to grant pensionary benefits to the extent of granting pension to non applicant-petitioner by counting his past service, in the interest of justice.

It has been pointed out that non applicant-petitioner was asked to disclose whether he wants to opt for CPF or pension and he had opted for CPF. This fact is not denied by non applicant-petitioner. However, the plea taken by non applicant-petitioner is that benefit of Army service has been granted by this Court, vide judgment dated 15.12.2016, passed in CWP-10837-1996 and now non applicant-petitioner will be entitled to pension.

However, the fact remains that at present, option of non applicant petitioner in claiming the CPF is there and it being so, in view of his option for CPF, he cannot be granted pension at present. However, non applicant petitioner can always file an application for withdrawal of his CPF

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option before the concerned department, if so permissible, and in case, the same is declined, he can challenge the same before appropriate authority. In case, such application is filed, same shall be decided within four weeks.

Application is accordingly disposed of.

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Let respondents file an affidavit as to whether pensionary benefits were released alongwith interest for the delayed payment, as per Government instructions.

Adjourned to 2.11.2018.

Copy of this order be placed on connected case file.

(KULDIP SINGH)
JUDGE

12.10.2018
sjks