IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 21452 of 2016
Date of Decision : 27.03.2019

Brij Lal Yadav

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ram Niwas Sharma, Advocate for the petitioner.

Mr. C.S. Bakhshi, Additional Advocate General, Haryana.

Mr. Amit Rao, Advocate for
Mr. Anurag Goyal, Advocate for respondent No. 3.
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Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the challenge is to the order dated 05.02.2015 (Annexure P-6) by which the respondent-University declined the prayer of the petitioner to change of option i.e. opt for the pension scheme. Further prayer has been made that the petitioner be treated for the grant of pension under University Employees Pension Scheme, 1997 as he had opted for the said scheme and is ready to deposit the amount, which he has already received alongwith interest.

Today, learned counsel for the petitioner states that during the pendency of the writ petition, the respondents themselves have re-considered the case of the petitioner and vide order dated 11.10.2017, the petitioner was allowed to opt for the pension scheme. The order dated 11.10.2017 is as under:-

"The State Government vide its Memo No. 2/23-2016 UNP (4) dated 02.08.2017 has agreed to grant a chance to the eight

(08) employees of this University, as conveyed vide memo No. FO/2013/5323 dated 30.12.2013, subject to the condition that entire amount of the contribution of provident fund will be recovered from them.

Accordingly, the Vice-Chancellor has allowed you to change your option from CPF to Pension and also ordered to ask you to deposit ₹11,37,546/- with the University upto 31.10.2017, on account of University Contribution out of Provident Fund received by you at the time of your superannuation alongwith upto date interest, on the rate applicable on the University PF from time to time, so that your case for grant of pension may be proceed further.

Further, you have to deposit ₹102875/- on account of gratuity paid in excess i.e. 2.75 times of last emoluments including upto date interest."

Learned counsel for the petitioner states that the petitioner has already complied with the letter dated 11.10.2017 and the benefits accruing to the petitioner under the Pension Scheme has already been extended and, therefore, no further orders are required to be passed in this regard. Learned counsel further states that the petitioner is entitled for interest and he be given liberty to raise the said issue with the respondents by filing appropriate representation.

In view of the above, the present writ petition stands disposed of. Liberty is granted to the petitioner that in case any representation is filed within a period of four weeks, the respondents shall pass appropriate order on the same within a period of next three months.

March 27, 2019 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No