IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.88 of 2020 (O&M)
Date of Decision :24.02.2020

Ajmer Singh (Retd.) Inspector

......Appellant

Versus

PEPSU Road Transport Corporation and others

...... Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Vikas Chatrath, Advocate with
Ms. Mandeep Kaur and Mr. Amanjot Sidhu, Advocates
for the appellant.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

This appeal has been filed by the appellant/petitioner aggrieved against the orders dated 21.11.2016 and 07.05.2019 vide which the writ petition and the review application were dismissed.

The grievance of the appellant/petitioner relates to non-grant of pension under the pension scheme of the respondents.

Learned counsel for the appellant/petitioner submits that the authorities did not give an opportunity to the petitioner to submit his option for the pension scheme by giving proper information regarding extension of time dated 17.03.1993. He further asserts that the appellant/petitioner was never informed that he is required to refund the amount of loan outstanding against his name.

The learned Single Judge has considered all these aspects and has held that the petitioner did not opt for pension scheme within a time frame prescribed under the regulation and the appellant/petitioner did not refund the loan amount of Rs.23,000/- outstanding against his name and therefore, the appellant/petitioner is not entitled to the benefit of pension under the scheme.

Though, learned counsel appearing for the appellant has taken this Court to various documents as well as the provisions of the scheme, it is evident from the record that no documentary or other evidence has been produced by the appellant/petitioner to establish the fact that he opted for the scheme or that he had opted for refund of the amount of loan outstanding against his name.

On the contrary, from perusal of the Pepsu Road Transport Corporation Employees Pension/Gratuity and General Provident Fund Regulations 1992, that has been placed on record as Annexure P-38, specifically Regulations 3 (2)(h) and proviso (i) and (iii) of Regulations 4, it is evident that a person who has failed to refund the amount of advance taken out of the Employer’s share of the contributory Provident Fund along with interest thereon within the stipulated period, is not entitled to the pension scheme and that a person who fails to exercise the option for the scheme within 6 months from the date of taking charge of his post, he is not entitled to the benefit of pension under the regulations.

The learned Single Judge after detailed discussion on the aforesaid aspects has recorded a finding of fact that there is nothing on record to indicate that the appellant/petitioner has either exercise the option within the period prescribed in the regulations or the extended period as given in the letter dated 17.03.1993 (Annexure P-19) or that the petitioner had made any attempt to refund the amount of advance along with interest outstanding against the petitioner as prescribed by the regulation or the requirement to do so contained in letters dated 29.03.1993 (Annexure P-16) and 02.12.1992 (Annexure P-18).

In view of the aforesaid facts the two contentions of the petitioner deserve to be rejected on account of the specific and clear stipulation in the regulations and in the absence of any evidence produced by the appellant/petitioner to the effect that he had made any attempt to remove the aforesaid two defects.

Learned counsel appearing for the appellant, at this stage, submits that several similarly situated persons were granted relief by the respondent-authorities and the relevant documents are at Annexure P-20 onwards. However, we are of the considered opinion that the appellant/petitioner cannot claim parity with those employees/persons on account of the fact that the necessary deductions under the pension scheme were regularly made from the pay of the aforesaid employees with whom the appellant/petitioner seeks parity while no such deduction was ever made from the salary of the appellant/petitioner. Secondly, the appellant/petitioner admittedly did not refund the amount outstanding against his name, which ground in itself is sufficient to disqualify the appellant/petitioner from the benefit of pension. As a consequence of the aforesaid discussion, the appeal filed by the appellant being meritless stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.02.2020
Manoj Bhutani

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