

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

**CWP-34678-2019 (O&M)**  
**Date of Decision: 09.12.2022**

Mahabir Parshad Kharb

..... Petitioner

Versus

Regional Provident Fund Commissioner and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : None for the petitioner.

Mr. Rajesh Hooda, Advocate,  
for respondents No.1 and 2.

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**RAJBIR SEHRAWAT, J. (ORAL)**

**CM-19607-CWP-2019**

This is an application for placing on record the undertaking on behalf of the employer as Annexure P-10.

For the reasons mentioned in the application, the same is allowed and the undertaking on behalf of the employer is taken on record as Annexure P-10.

**CM-13827-CWP-2021**

Allowed, as prayed for.

**CM-13829-CWP-2021**

This is an application for placing on record the written statement on behalf of respondents No.1 and 2.

For the reasons mentioned in the application, the same is allowed and the written statement filed on behalf of respondents No.1 and 2 is taken on record.

**CWP-34678-2019**

This is a petition filed under Article 226 of the Constitution of

India seeking issuance of a writ of certiorari for setting aside the letter dated 11.10.2019 (Annexure P-8), vide which the petitioner has been directed to submit option under Para 11(3) of the Employees Pension Scheme, 1995; along with certain other prayers.

Learned counsel for respondents No.1 and 2 has produced a copy of the judgment passed by Hon'ble the Supreme Court in **SLP(C) No.8658-8659 of 2019** titled as '**The Employees Provident Fund Organisation and another etc. Vs. Sunil Kumar B. and others etc.**', on 04.11.2022 and has submitted that the issue involved in the present petition has already been decided by Hon'ble the Supreme Court. Direction has been issued by Hon'ble the Supreme Court that only those persons are entitled to have pension, who had already submitted their option prior to 01.09.2014, i.e. the date of amendment of the Employees' Pension Scheme, 1995. However, the case of the petitioner is not covered within that time limit. Hence, the present petition deserves to be dismissed.

In view of the above, this petition is dismissed, in terms of the aforesaid judgment passed by Hon'ble the Supreme Court in ***The Employees Provident Fund Organisation and another's case (supra)***.

Since the main case has been decided, therefore, all the pending civil miscellaneous applications, if any, are also disposed of.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**09.12.2022**  
adhikari

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No