

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10962-2021 (O/M)
Date of decision : 04.09.2023

Malkeet Kaur and others

..... Petitioners

Versus

Central Employees Provident Fund Commissioner and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Sumeet Jain, Advocate
for the petitioners.

Mr. Rajesh Hooda, Advocate
for respondents No. 1 to 3.

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HARSH BUNGER, J. (ORAL)

1. Prayer in this writ petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of certiorari for quashing the impugned orders dated 24.01.2020, 06.10.2020, 06.12.2020, 06.01.2021, 18.01.2021, 08.02.2021 and 18.03.2021 (Annexure P-11 to Annexure P-16) whereby claims of pension of the petitioners have been rejected illegally. Further prayer has been made for quashing the impugned order dated 18.03.2020 (Annexure P-17) whereby monthly pension of the petitioners has been ordered to be ascertained under the Employees Pension Scheme, 1995 at a rate much lesser to their entitlement.

2. Learned counsel appearing for the petitioners submits that the case of the petitioners shall be covered, vide judgment dated 04.11.2022, passed by Hon'ble the Supreme Court of India in the case of '*The Employees Provident Fund Organization and Anr. Etc. Versus Sunil Kumar B. and Ors. Etc.*', 2022 (4) SCT 674 and the claim of the petitioners for higher pension shall have to be decided in terms of the said judgment.

3 Learned counsel for the petitioners further submits that the petitioners have already applied to the Competent Authority for claiming higher pension in pursuance to the observations made by Hon'ble the Supreme Court of India in Para 44 Clause (iv) of the judgment in '*The Employees Provident Fund Organization and Anr.*' (supra).

4 On the other hand, learned counsel appearing for respondents No. 1 to 3 does not dispute the aforesaid submissions made by learned counsel for the petitioners and submits that since the petitioners have already applied for their claim of higher pension, the same would be considered by the Competent Authority, in terms of above referred judgment and also in accordance with law.

5. Learned counsel for respective parties are ad-idem that in view of the judgment in '*The Employees Provident Fund Organization and Anr.*' (supra) and for fresh consideration of the claim of the petitioners for higher pension in terms of said judgment by Competent Authority; the impugned orders dated 24.01.2020, 06.10.2020, 06.12.2020, 06.01.2021, 18.01.2021, 08.02.2021 and order dated 18.03.2021 (Annexure P-11 to Annexure P-16, respectively) and also the order dated 18.03.2020 (Annexure P-17) shall have to be quashed.

6. In view of the aforesaid submissions made by learned counsels for the respective parties, the impugned orders dated 24.01.2020, 06.10.2020, 06.12.2020, 06.01.2021, 18.01.2021, 08.02.2021 and order dated 18.03.2021 (Annexure P-11 to Annexure P-16, respectively) and also the order dated 18.03.2020 (Annexure P-17) are hereby quashed. It is further directed that the Competent Authority shall take a final decision on the claim of the petitioners within a period of six weeks from the date of receipt of certified copy of this order.

7. Accordingly, the instant writ petition stands disposed of in aforestated terms.

8. All pending application(s), if any, shall stand closed.

(HARSH BUNGER)
JUDGE

04.09.2023
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No