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2023:PHHC:163176

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8774-2023
DECIDED ON: 18.12.2023

RAM PHAL

.....PETITIONER

VERSUS

THE EMPLOYEES PROVIDENT FUND
ORGANISATION AND ORS.

.....RESPONDENTS

AND

CWP-26091-2023
2023:PHHC:163177

JAI CHAND

.....PETITIONER

VERSUS

THE EMPLOYEES PROVIDENT FUND
ORGANISATION AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jai Bhagwan Sharma, Advocate
for the petitioner.

Mr. Rajesh Hooda, Advocate for
respondents No.1 & 2 in CWP-8774-2023 and
for respondents No.1 to 3 CWP-26091-2023.

Mr. Rajesh Gaur, Advocate for
respondent No.4 in CWP-26091-2023.

SANDEEP MOUDGIL, J (ORAL)

1. Vide this common order, this Court intends to dispose of both the
petitions together, as common question of law is involved in both the petitions.

2. Just to avoid the repetition, the facts are being taken from CWP-8774-2023.

3. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the action of respondent No.2 for rejection of fresh option exercised by the petitioner, while working in the field office of respondent No.4 vide letter dated 21.07.2020 (Annexure P-1) to contribute for EPF & EPS on the salary exceeding Rs.15,000/- per month and denying the fixation of pension on the basis of higher salary in accordance with the provisions of the Employees Provident Fund Pension Scheme, 1995, as amended upto date as par with similarly situated Head Office employees of respondent No.4-Corporation. Another prayer has been made to quash the action of respondent No.2-Regional Provident Fund Commissioner for fixation of pension of petitioners on the basis of monthly salary instead of higher/full salary in accordance with para 11(4) of EPF Pension Scheme with a further prayer to direct the respondents No.2 & 3 i.e. Regional Provident Fund Commissioner and Assistant Provident Fund Commissioner (Pension) to refix the pension of the petitioners and also to release the arrear thereof alongwith interest @ 18 % per annum from the date it became it due till the date of its actual realization.

2. Mr. Rajesh Hooda, learned counsel appearing for respondents-Regional Provident Fund Commissioner that the case of the petitioners case is squarely covered by the judgment dated **18.10.2022 (Annexure P-3) passed by this Court in CWP-20224-2021 titled as Shree Krishan Sharma and Ors.vs. Employees Provident Fund Organization and Others** to which the learned counsel for the petitioner is not averse.

3. In light of the above, the present petition is allowed in view of the judgment passed in **Shree Krishan Sharma's case** (supra).

4. The respondents are directed to compute the benefit for which the petitioners have become entitled for by treating the option submitted by them in the year 2014, as envisaged under paragraph 11(iv) of the amended pension scheme of 2014 under the Pension Scheme and not under the Provident Fund Scheme and the benefits for which the petitioners become entitled for be computed and calculated and released to the petitioners within a period of two months from the date of receipt of certified copy of this order.

4. All the pending miscellaneous applications, if any be disposed of accordingly.

5. Both the aforesaid petition stands disposed of.

6. A photocopy of this order be placed on the file of another connected petition.

18.12.2023

Sham

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>