

**RA-CW-160-2022 in
CWP-15243-2018**

-1-

224

2023:PHHC:166933

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

**RA-CW-160-2022 in
CWP-15243-2018**

Date of decision : 21.08.2023

Surjit Singh

...Applicant-Petitioner

Vs.

Pepsu Road Transport Corporation

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Vikas Chatrath, Advocate
for the applicant-petitioner.

Mr. Anupam Singla, Advocate
for the respondent.

DEEPAK MANCHANDA, J.(Oral)

1. The present review petition has been filed under Order 47 Rule 1 read with Section 151 of CPC seeking review of the order dated 25.01.2022 passed in CWP No.15243-2018, whereby main petition was dismissed on the ground that petitioner was a member of Contributory Provident Fund (in short 'CPF'), but failed to opt for pension scheme and till superannuation his name was not there in the list of members of financial benefits scheme for pension, which had been introduced through Pepsu Road Transport Corporation Employees Pension/Gratuity and General Provident Fund Regulations, 1992.

2. Learned counsel for the applicant/petitioner has argued that the

GPF of the petitioner was being deducted from the date of inception of Regulations 1992 till his superannuation and secondly he also pleaded that as per assertion made by the Corporation that the petitioner has accepted CPF without protest is not correct as CPF was not paid to the petitioner. Learned counsel has further argued that the judgement dated 13.05.2019 passed in ***“Sohan Lal and others Vs. Pepsu Road Transport Corporation, Patiala and others” 2019 (4) S.C.T.763*** and LPA No. 88 of 2020 decided on 24.02.2020 titled as ***“Ajmer Singh (Retd.) Inspector Vs. PEPSU Road Transport Corporation and others”*** have not been considered and appreciated in the right perspective which has resulted in the filing of the present review petition since the claim of the petitioner has not been considered in the right manner. He also contended that it is wrong to say that till the date of petitioner’s superannuation his name was not in the list of members of the financial benefits scheme for pension, but name the petitioner was in the list of CPF members at Sr.No. 172. He further relied upon the judgement passed by Hon’ble Supreme Court in ***“Pepsu Road Transport Corporation, Patiala Vs. Mangal Singh and others”, 2011 AIR (SC) 1974.***

3. Having heard the learned counsel for the parties and have perused the material available on record.

4. Learned counsel for the applicant/petitioners has relied upon the judgement passed in ***Sohan Lal’s*** case (supra) the contents of the same reveals that petitioner therein opted for the pension Regulations on 24.11.1992, but the petitioner never complied with the other requirement i.e. repaying the loan, which the petitioner had taken from CPF fund along with interest and therefore, keeping in view the said non-compliance of the conditions of the

1992 Regulations, the petitioner therein was never treated as a member of the 1992 Regulations so as to grant him the benefit, whereas in the present case the petitioner never opted for pension scheme.

5. Further in *Ajmer Singh's* case (supra) which is also not applicable to the facts of present case as the perusal of the same shows that same was dismissed on the ground that no deduction was ever made from the appellant/petitioner therein and he also did not refund the amount outstanding against his name, which in itself is sufficient to disqualify the petitioner from the benefit of pension. Even otherwise the other judgments upon which the reliance has been placed by the learned counsel for the applicant/petitioner do not find any support. Secondly, as per impugned judgement, applicant-petitioner failed to point out that he had opted for pension scheme and even in the writings dated 28.08.2006 and 20.10.2016, it clearly finds mention that nowhere in the service record of the petitioner, he has opted for the pension scheme. As per judgement, petitioner was retired on 31.12.2015 and till the filing of the petition, he never raised any grievance in this regard and moreover accepted his retirement CPF benefits without any protest, therefore, he cannot be allowed to have another benefit from the pension scheme, which he never opted for.

6. Apart from above, the jurisdiction in review is limited. As it has been consistently held by this Court in several judicial pronouncements that the Court's jurisdiction of review is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record.

7. Keeping in view the fact that learned counsel for the applicant-petitioner has failed to point out in the instant case if there is any error apparent on the face of the record, no ground is made out to review the order in question and the review application is accordingly dismissed.

21.08.2023
vanita

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No