



CWP-971-2021 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108 (1) CWP-971-2021
Date of decision: 05.11.2024

ASHOK KUMAR MAHAJANPETITIONER

Vs.

REGIONAL PROVIDENT FUND COMMISSIONER, CHANDIGARH
AND OTHERS

...RESPONDENTS

Sr. No	Case Nos.	Name of parties
2.	CWP-10240-2020 (O&M)	DR. PASHUPATI NATH PANDIT V/S REGIONAL PROVIDENT FUND COMMISSIONER CHANDIGARH AND OTHERS
3.	CWP-14884-2020 (O&M)	SH. RAMESH DOGRA V/S REGIONAL PROVIDENT FUND COMMISSIONER, CHANDIGARH AND OTHERS
4.	CWP-21172-2020 (O&M)	MEENA PRABHAKAR V/S REGIONAL PROVIDENT FUND COMMISSIONER, CHANDIGARH AND OTHERS
5.	CWP-2276-2021	C.K JERATH V/S REGIONAL PROVIDENT FUND COMMISSIONER, CHANDIGARH AND ORS
6.	CWP-2279-2021	S.B. SAINI V/S REGIONAL PROVIDENT FUND COMMISSIONER, CHANDIGARH AND ORS
7.	CWP-2280-2021	KULWANT KAUR V/S REGIONAL PROVIDENT FUND COMMISSIONER, CHANDIGARH AND ORS
8.	CWP-2350-2021	DR. ARUNA SAINI V/S REGIONAL PROVIDENT FUND COMMISSIONER, CHANDIGARH AND ORS
9.	CWP-1251-2021	S. L. GAUTAM V/S REGIONAL PROVIDENT FUND COMMISSIONER, CHANDIGARH AND ORS
10.	CWP-7055-2021	JASPREET GREWAL V/S REGIONAL PROVIDENT FUND COMMISSIONER, CHANDIGARH AND ORS



CWP-971-2021

-2-

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Inderjit Sharma, Advocate
for the petitioner(s) (in CWPs-971-2021, 14884-2020,
21172-2020, 2276-2021, 2279-2021, 2280-2021,
2350-2021, 1251-2021, 7055-2021).

Mr. Prateek Gupta, Advocate
for the petitioner (in CWP-10240-2020)

Mr. Rajesh Hooda, Advocate
for respondent Nos. 1 to 3.

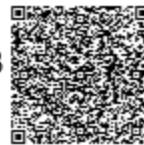
Mr. P.K. Mutneja, Senior Advocate with
Mr. V.S. Mahal, Advocate
for respondent Nos. 4 and 5 (in CWPs-971-2021, 10240-2020,
14884-2020, 21172-2020, 2276-2021, 2279-2021, 2280-2021,
2350-2021, 1251-2021, 7055-2021).

JAGMOHAN BANSAL, J (ORAL)

1. By this common order, a bunch of 10 petitions is hereby disposed of since issues involved and prayer sought in the captioned petitions are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-971-2021.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 20.04.2020 (Annexure P-7) whereby respondents have substantially reduced pension payable under Employees' Pension Scheme, 1995.

3. Counsel for the petitioners submit that respondents have wrongly reduced pension payable to petitioners as per Employees' Pension Scheme, 1995. Their case is squarely covered by judgment of this Court in '*Inderjit Singh Kaknani and others Vs. Union of India and others*', (2024) SCC OnLine P&H 12076.



4. Mr. Rajesh Hooda, Advocate submits that case of petitioners *qua* applicability of judgments of Supreme Court in '***R.C. Gupta and others Vs. Regional Provident Fund Commissioner Employees Provident Fund Organization and others***', (2018) 14 SCC 809 and '***Employees Provident Fund Organization Vs. Sunil Kumar B.***' 2022 SCC OnLine SC 1521 stands covered by judgment of this Court in ***Inderjit Singh*** (Supra). However, petitioners are not eligible to enhanced pension unless and until they remove defects pointed out by Competent Authority.

5. On the asking of Court, Mr. Rajesh Hooda, Advocate pointed out that Management during 2001-04 had deposited 10% of salary instead of mandatory requirement of 12% in the Provident Fund. The School Management and petitioners are bound to deposit differential amount along with interest. There are further objections with respect to sudden increase in the salary of the petitioners prior to their retirement. The petitioners are bound to explain the reason of sudden increase in the salary.

6. The petitioners submit that they would cure/remove all the defects which have been pointed out by the respondents in the impugned notices as well as reply to writ petitions. The respondents may be directed to quantify differential amount along with interest so that petitioners may do the needful.

7. In the wake of statement of both sides, the petitions stand disposed of with a direction to respondent to quantify amount payable by petitioners/Management with respect to 2001-04. The said exercise would be completed within 6 weeks from today. The petitioners shall deposit differential amount along with interest within 4 weeks thereafter. The petitioners shall further clarify all the queries which are pointed out in the impugned notices/orders and reply to writ petitions. The Management/College shall also



CWP-971-2021 -4-

co-operate with the Authorities and submit available record. The benefit available to petitioners would not be denied on account of any lapse on the part of Management/College.

- 8. Disposed of accordingly.
- 9. Pending miscellaneous application(s), if any, shall also stand disposed of.

05.11.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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