

Renu Bala
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**CWP-5834-2020; CWP-16501-2020;
CWP-16516-2020 and CWP-17581-2020**

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Mr. Abhinav Chadha, Advocate
for the respondents in CWP-16501-2020.

Mr. Vikas Chatrath, Advocate
for the respondents in CWP-17581-2020.

NAMIT KUMAR ,J. (ORAL)

1. The present petitions have been filed under Articles 226/227 of the Constitution of India seeking a writ of mandamus directing respondent No.1 to count the previous service of the petitioner(s) rendered by them for the pensionary benefits.
2. No one was present on behalf of the petitioner(s) on 18.10.2023, 30.01.2024 and even, today also the position is same.
3. On issuance of notice of motion, written statement has been filed by respondents No.1 and 2 wherein it has been stated as under:-

"1. That the instant writ petition has been filed praying for issuance of a direction to the respondent-corporation to incorporate the work charge service rendered by the petitioners, when determining their retiral benefits, as well as to waive off the interest payable i.e. 12%, by the employee, when returning/depositing the employer's share of E.P.F. with the respondent-corporation, as mandated by the relevant rules/instructions, particularly, Finance Circulars No. 02/1992 & 41/1995.

2. That in terms of the aforesaid circulars/instructions, issued/notified by the respondent-corporation (erstwhile Board), an employee seeking to avail the benefit of work charged service rendered, towards retiral benefits, is required to submit an application/requisite particular in respect to his claim to the respondent-corporation. Moreover, the latter circular also mandates that the concerned employee would be enjoined to refund/deposit the employer's share of

E.P.F., along with @12 % interest, before he/she is sanctioned the said benefit. Copy of Finance Circular No. 02/1992 & Copy of Finance Circular No. 41/1995 are appended herewith as ANNEXURE R-1 & R-2.

3. That the service particulars of the petitioners, which would aid this Hon'ble Court in arriving at a decision, are detailed hereinbelow, for it's ready reference:

Sr. No.	Name of the employee	Post	ID Number	Date of Retirement
1	Rajwinder Singh	Lineman	301381	30/09/2031
2.	Shinder Pal	Lineman	226903	31/01/2023
3.	Tersem Singh	ALM	301460	31/08/2027
4.	Tirlok Singh	Lineman	252554	28/02/2022
5.	Wazir Singh	ALM	301383	31/05/2026
6.	Sukhbaz Singh	Lineman	226896	30/04/2025
7.	Sultan Singh	Lineman	301389	31/10/2030
8.	Sukhdev Singh	ALM	301484	31/03/2026
9.	Balkar Singh	ALM	301475	30/06/2026
10.	Ranjit Singh	ALM	226913	30/04/2026
11.	Om Parkash	ALM	252704	31/03/2015

4. That it is respectfully submitted that the respondent-corporation is not averse to extending the benefit, as prayed for, by the petitioners, however, only after the petitioners have undertaken the requisite formalities, as mandated in any case, said benefit would become due only at the time of retirement and as such, except for petitioners no. 2, 4 & 11, the claim preferred by the remaining petitioners would be premature, and thus, liable to be dismissed with respect to the said petitioners.

5. That it is worthwhile to mention here that petitioner no. 2 had deposited the requisite amount of E.P.F. availed, prior in time, and has already been afforded the benefit of his work-charge service of 13 years, 3 month, 9 days, towards his retiral benefits, vide office order no. 157 dated 27.05.2022. It is submitted that as and when the requisite formalities, as acknowledged by the petitioners as well, are undertaken by

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*them, the said benefit would be extended to them as well.
Copy of office order no. 157 dated 27.05.2022 is appended
herewith as ANNEXURE R-3."*

4. In view of the averments made in the written statement, counsel for respondent Nos.1 and 2 submits that the respondent-Corporation is not averse to extending the benefit of the earlier service provided the petitioner(s) comply with the requisite formalities.
5. In view of the above, the present petitions stand disposed of. The petitioner(s) may comply with the directions issued by the respondents as stated hereinafter and in that eventuality, the necessary benefits be released to them.
6. Disposed of in above terms.

01.03.2024
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(NAMIT KUMAR)
JUDGE

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