

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108+263

CM-8542-2023 in/and
CWP-20143-2020 (O&M)
Date of Decision: 24.04.2024

S. Jagir Singh Sandhu and others

...Petitioners

Versus

Punjab Agricultural University and others

...Respondents

CORAM: HON’BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Jatinder Nagpal, Advocate for the petitioners.

Mr. Satnampreet Singh, DAG, Punjab.

Mr. Deepak Agnitohri, Advocate for the respondents.

AMAN CHAUDHARY J. (Oral)

CM-8542 of 2023

For the reasons mentioned in the application, same is allowed.
Certified vernaculars of Annexures R-1, R-2, R-3 and R-4 annexed in the written statement filed by respondents No.4, 5 and 6 are taken on record, subject to all just exceptions.

Main case

1. The prayer made in the present petition is for setting aside/quashing the Speaking Order dated 24.09.2020, Annexure P-5, whereby the claim of the petitioners for grant of option for pension has been declined and to further direct the respondent-Universities to grant them option for pension/provide one more opportunity to opt for pension scheme.
2. Learned counsel for the petitioners submits that the claim of the petitioners for grant of GPF was rejected on the ground that they had not given

option for the same. While clause of Instructions dated 20.11.1991, Annexure P-1, envisages that in case an option is not given in such an eventuality it would be automatically taken to have opted for GPF as also observed in the impugned order. He further submits that the case of the petitioners is otherwise covered by the judgment of Hon'ble the Supreme Court in **University of Delhi vs. Smt. Shashi Kiran and others etc.**, 2022(3) SCT 93. He, on instructions, submits that the petitioners would be satisfied if a direction is given for reconsideration in view of the above submissions.

3. Learned State counsel has no objection to the limited prayer made.

4. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondents to consider and decide the claim of the petitioners taking note of the aforesaid judgment, within a period of six months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to them, and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to their interest, the same shall contain reasons and the petitioners shall be free to seek legal redress.

(AMAN CHAUDHARY)
JUDGE

24.04.2024
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Whether speaking : Yes

Whether reportable : No