



**258-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-8152-2021

Date of decision: 10.11.2025

Manmohan Bir Singh and others

....Petitioners

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jagat Vir Dhindsa, Advocate
for the petitioners.

Mr. Rajesh Hooda, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to allow the claim of the petitioners for grant of benefit of Pension at higher wages and grant the revised pension to them at the earliest.

2. Learned counsel for the petitioners contends that the action of the respondents is arbitrary and violative of the directions issued by the Hon'ble Supreme Court.

3. Learned counsel for the respondents at the very outset submits that the petitioners before their retirement have never exercised their joint option under the Employees' Provident Funds Scheme, 1952 and further submits that identical controversy raised before this Court with regard to the right of the retirees prior to the year 2014 have already been considered and dismissed vide judgment dated 29.09.2025 passed in CWP-35154-2024 titled as 'Om Parkash vs. Union of India'.

4. The sole question that arises for consideration is: "Whether an employee who retired prior to 01.09.2014, without having exercised a joint

option under the proviso to Paragraph 11(3) of the pre-amendment EPS, 1995, during his service, is entitled to the benefit of pension on higher wages?"

5. This issue is no longer *res integra* and the Hon'ble Supreme Court in ***Writ Petition (Civil) No.97 of 2025 titled as Powergrid Retired Employees' Association (PREA) Vs. Union of India and others***, which stands decided on 19.03.2025, wherein it was again reiterated that the employees, who retired prior to 01.09.2014 without exercising their option under paragraph 11(3) of the pre-amendment scheme, are not entitled to the benefits of pension scheme. Subsequently this court in ***Om Parkash and others Vs. Union of India and others (CWP-35154-2024 & connected cases)***, decided on 24.09.2025, has authoritatively settled the position in law. The factual matrix in the said cases was identical to the present one, involving employees who retired before 01.09.2014 and had not exercised the requisite joint option during their service.
6. As per the settled principle the action of the respondent authorities in rejecting the petitioner's application cannot be termed as illegal or arbitrary. The impugned order is in strict conformity with the law declared by the Hon'ble Supreme Court and followed by this Court.
7. Consequently, in view of the above discussion, the present writ petition is devoid of any merit and is, accordingly, dismissed.

(HARPREET SINGH BRAR)

JUDGE

10.11.2025

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No