

2025.PHHC.038283



CWP-22286-2022

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CWP-10519-2024

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

CWP-22286-2022

Date of Decision:19.03.2025

JASBIR KAUR AND ORS.

...Petitioners

Vs.

PUNJABI UNIVERSITY PATIALA

...Respondent

2. CWP-10519-2024

BAHWDEEP SINGH AND ORS.

...Petitioners

Vs.

PUNJABI UNIVERSITY PATIALA AND ANOTHER ..Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. A.S. Chadha, Advocate
for the petitioner in CWP-22286-2022.

Mr. Hardeep Singh, Advocate
for the petitioner in CWP-10519-2024.

Mr. Akshita Chauhan, DAG, Punjab.

Mr. Pankaj Kumar, Advocate
for Vipul Jindal, Advocate
for the respondent/University.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-1708 & 3891-CWP-2025

The present applications have been filed under Section 151
CPC for placing on record written statement on behalf of respondent nos. 1
& 2.

For the reasons mentioned in the application, CRMs are
allowed as prayed for.

**Main cases**

In the present bunch of petitions, the claim of the petitioners is that they should be given another chance to opt for the pension scheme under which they want to be covered. Learned senior counsel representing the petitioner submits that though the petitioners were working with the respondent-University starting from the year 1982 onwards and were the employees of the respondent-University when the new pension scheme of 1992 was formulated by the respondent/University vide ordinance dated 15.07.1992, Annexure P-1, and though an option was given to the petitioners to opt for the said newly formulated pension scheme but they specifically decided to be covered under the CPF (Contributory Provident Fund) Scheme, but now as the CPF Scheme is in doldrums, it is the prayer of the petitioners that they should be again given an option to opt for the Pension Scheme instead of CPF Scheme and therefore, the respondent/University be directed to consider the claim of the petitioners to opt for the Pension Scheme of 1992.

Upon notice of motion, learned counsel for the respondents submits that in the present case, the then newly formulated Pension Scheme was formulated in the year 1992, and was applicable w.e.f. 1990. As per the said Scheme an option was given to the petitioners to opt for the Pension Scheme who were already working with the respondent/University at the relevant point of time. Learned counsel for the respondent/University further submits that the petitioners by opting to be covered under the CPF Scheme,



declined to be the members of the Pension Scheme and requested that they be continued to be covered under the CPF Scheme, which option was accepted by the respondent/University. Learned counsel for the respondents further submits that thereafter, keeping in view the further discussions with the Employee Union, 02 more chances were given to the employees to opt for the Pension Scheme under which they want to be covered which options were extended to the petitioners also, but, again they opted to be covered under the CPF Scheme, hence, now at this stage, the petitioners cannot be again given the chance to opt again and choose another Scheme under which they want to be covered.

Learned counsel for the respondents-University further submits that the same issue came up for consideration before this Court in ***Ranjit Singh and others Vs. Punjabi University Patiala and others*** where the similar issued was raised, which has already been declined by this Court while passing the order in CWP-6540-2016 decided on 21.10.2024.

Learned senior counsel representing the petitioners submits that though, the employees, whose claim has been rejected by this Court while passing order in ***Ranjit Singh (supra)*** are similar, but, while adjudicating the said case, a material fact was not brought to the notice of this Court, which fact should be taken into account by this Court so as to decide that whether, different view qua the claim of the employees needs to be taken or not by this Court.

Learned Senior counsel further submits that the fact which was



not brought to the notice of the Court was that after the Pension Scheme was formulated in the year 1992, and though the petitioners never opted for same but, the issue *qua* the corpus of the pension fund was taken over by the University in its main budget itself in the year 2014, and therefore, at that stage, a fresh option should have been given to the employees concerned so as to decide whether they want to be converted under the Pension Scheme of 1992 or not, as there was a material change *qua* the finances to be obtained by the respondent-University for the pension to be paid to the employees.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Learned counsel for the petitioners concede that the issue which has been raised in the present petition has already been decided by this Court while passing the order in ***Ranjit Singh (Supra)*** but an additional argument has been raised by the petitioner for the consideration by this Court. The argument which has been raised by learned Senior counsel is that once, the source of pension i.e. the main corpus was brought into the budget of the respondent-University in the year 2014, the said action of the respondent-University would have taken care of the fact that the Pension Scheme would not fail, which was the apprehension of the petitioners all along and all the employees who had opted for the Pension Scheme will get pension, and such a material fact which would influence the employees decision so as to decide his/her future that whether the CPF Scheme was more beneficial or the Pension Scheme was more beneficial, is very crucial,



and, therefore, a fresh option should have been given to the petitioner at that stage by the respondent/University, which was not given, hence, the petitioner should be given another chance to opt under which Pension Scheme they want to be covered.

It may be noticed that when the employees opt for the Pension Scheme, they are entitled to be covered under the pension for which they have opted for, and the liability to make payment of the pension to the employees under the Scheme is upon the respondent/University. How the funds are to be generated so as to pay the pension to the employees and how to pay the pension is upon the University and not upon the employees for them so as to make apprehension qua a particular Pension Scheme.

Once, the petitioner never opted for the Pension Scheme of 1992, despite sufficient opportunities provided to them, which is a conceded fact, merely that the corpus fund from where the pension payable to employees was to be paid, was brought under the main budget of the respondent-University, is of no concern to the petitioner so as to give another chance to the petitioner to opt for Pension Scheme. The petitioners who never opted for the Pension Scheme of 1992 cannot claim that they were only waiting for the respondent-University to bring the corpus fund from which pension was to be paid under the main budget. The petitioners do not have a right to put conditions before opting for a Pension Scheme. Employees have right to receive the pension if opted and the source from where the pension fund is generated is within the domain of the employees,



hence the ground being raised to allow the petitioners another chance to opt for pension is not a valid ground being taken by the petitioners so as to claim that another option has to be given to the employees/petitioners afresh.

Keeping in view the totality of circumstances, the present petition is also dismissed in terms of the order passed in ***Ranjit Singh (supra)*** alongwith the additional ground decided in the present petition

A photocopy of the order be placed on the file of other connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

19.03.2025

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