



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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LPA-1479-2025 (O&M)

Date of decision :24.09.2025

Regional Provident Fund Commissioner, Bathinda and others ...Appellants

Versus

Baljinder Singh and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Rajesh Hooda, Advocate for the appellants.

Anupinder Singh Grewal, J. (Oral)

CM-3617-LPA-2025

This is an application seeking condonation of delay of 14 days in preferring the appeal.

Heard.

For the reasons stated in the application, same is allowed and delay of 14 days in preferring the appeal is condoned.

Main case

The appellants have impugned the judgment of the Single Bench dated 20.03.02025, whereby the writ petition preferred by the respondent No.1 for counting the previous service rendered at Kotkapura Co-operative Spinning Mills Limited for pensionary benefits has been allowed.

2. Learned counsel for the appellants submits that as the respondent No.1 after his retrenchment from Kotkapura Cooperative Spinning Mill Limited,



District Faridkot had withdrawn his EPF and pension fund in 2007 and as per Employees Pension Scheme, 1995 once he had opted to withdraw the amount instead of getting Scheme Certificate, he cannot claim benefit of past service for pensionary benefits as well.

3. Heard.

4. Respondent No.1 was retrenched from service after working as a Clerk for 08 years from 22.02.1991 to 22.02.1999 at Kotkapura Co-operative Spinning Mills Limited, District Faridkot. The other employees, who were retrenched along with the petitioner preferred a writ petition bearing **CWP-2483-1999** titled **Pawan Kumar Datta and others Vs. State of Punjab and others** wherein the Division Bench of this Court on 17.03.1999 had issued several directions to the Registrar of Co-operative Societies including the absorption of eligible employees. However, this judgment was silent about the pensionary benefits to be granted to the absorbed employees. Consequently, the Division Bench by its order dated 28.09.1999 passed in the review application No.538 of 1999 in CWP-2483-1999 issued further directions that the pay of the employees would be protected and the benefit of past service would be counted for pension and other service benefits, but not for seniority. Subsequently, respondent No.1 was absorbed into the Faridkot Central Co-operative Bank on 25.05.2011 as Clerk-cum-Data Entry Operator and continued to work till his superannuation on 30.04.2020. Respondent No.1 after his retirement applied for pensionary benefits before Regional Provident Fund Commissioner, Bathinda but vide letter dated 30.06.2022 his claim was rejected on the ground that he had not completed 10 years of service and therefore, he is not eligible for the pension. It was also stated in the rejection letter that he had already withdrawn Rs.33,440/- towards his



pension and EPF of Rs.18,900/- on 15.06.2007 for the period of service rendered by him from 22.02.1991 to 22.02.1999 at Kotkapura Co-operative Spinning Mills Limited.

5. Aggrieved thereagainst, respondent No.1 preferred a writ petition before this Court seeking the benefit of counting of past service rendered by him from 22.02.1991 to 22.02.1999 for grant of pensionary benefits. The Single Bench by the impugned order allowed the writ of respondent No.1 relying upon the judgment of this Court in ***Pawan Kumar Datta's case (supra)***. The Single Bench further directed respondent No.1 to deposit the amount earlier withdrawn by him from his EPF account upon his retrenchment in the year 1999 and on his doing so, EPF-authorities were directed to take into account the total service rendered by respondent No.1 for determination of his pensionary benefits.

6. We are in agreement with the judgment of the Single Bench, as the Division Bench of this Court by its judgment in the case of ***Pawan Kumar Datta's (supra)*** had specifically directed that the previous service rendered by the employees in the Co-operative Spinning Mill Limited shall be counted in addition to the period of service which they had rendered subsequently, upon their absorption for the purpose of computation of the pensionary benefits. Accordingly, respondent No.1 would be entitled to the benefit of counting of the entire period of his service towards pensionary benefits. The relevant extract of the judgment of the Division Bench is reproduced hereunder:-

“ (iv) On absorption, such an employee would be considered as a fresh appointee. However, his pay would be protected and the past service would be counted for benefits like pension (if the post is pensionable) and other service benefits but not for seniority.”



7. In view of the above, we do not find any illegality in the judgment of the Single Bench allowing the writ of respondent No.1. Consequently, the Letters Patent Appeal being devoid of any merit stands dismissed.
8. All pending miscellaneous application(s), if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

24.09.2025

Sapna

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