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

1) CWP-19780-2019
Date of decision: 09.12.2025

Makhan Lal ....Petitioner

Versus

Punjab State Warehousing Corporation ...Respondent

2) CWP-34506-2019

Ram Kumar ....Petitioner

Versus

Punjab State Warehousing Corporation ...Respondent

3) CWP-36548-2019

Lila Singh ....Petitioner

Versus

Punjab State Warehousing Corporation and another ...Respondents

4) CWP-5777-2012

Labh Singh ....Petitioner

Versus

Punjab State Warehousing Corporation and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vishal Garg, Advocate and
Mr. Ritik Mohindroo, Advocate
for the petitioner (in CWP-19780-2019).

Mr. Arihant Goyal, Advocate,
Mr. Saurav Saini, Advocate and
Ms. Lovedeep Kaur, Advocate
for the petitioner(s) (CWP-36548-2019 &
CWP-5777-2012).

Mr. Vikas Singh, Senior Advocate with
Ms. Anamika Sheoran, Advocate
for the respondents (in CWP-34506-2019;
CWP-36548-2019 & CWP-5777-2012).

Mr. Y.P. Khullar, Advocate
for the respondent(s) (in CWP-19780-2019)
(through V.C.).

HARPREET SINGH BRAR, J. (ORAL)

1. This common order shall dispose of the aforementioned civil writ petitions as they arise from a similar factual matrix. However, for the sake of brevity and with the consent of parties, the facts are taken from CWP-5777-2012.

2. The present civil writ petition(s) 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 extend the benefit of the pension scheme to the petitioner as well as to release the retiral benefits of the petitioner and further for issuance of a writ in the nature of *certiorari* for quashing of impugned communication dated 16.03.2012 (Annexure P-13).

3. Learned counsel for the petitioner(s) *inter alia* contends that the petitioner(s) after serving the respondent-Corporation, retired on 31.10.2011. In the year 1996, pension scheme was introduced and all employees of the Corporation who were not earlier admitted in the Pension Scheme were required to be adopted within the stipulated period of time. He refers to Annexure P-2 and submits that the District Manager was obligated to inform and circulate the requisite information to all the employees in the Corporation under him after obtaining the signatures in this regard for exercising the option

for opting the 1996 Pension Scheme. The drill of the office order passed on 15.05.1996 (Annexure P-2) was never followed and the scheme was not brought to the knowledge of all employees which resulted in some confusion regarding exercising the options. He further refers to Annexures P-7 & P-8 and submits that the respondents have admitted that the Scheme was never got notified to the petitioners.

4. Learned counsel for the petitioner(s) further refers to Page Nos.29 & 31 of the paper book and submits that GPF deductions were made from the salary of the petitioner(s) which proves that petitioner(s) had shifted to the 1996 Pension Scheme and only thereafter, such deductions were made up to the year 2009. Thereafter, unilaterally, the respondents again started making CPF deductions by shifting the petitioner(s) to the old Pension Scheme for which, no notice or consent of the petitioner(s) was ever obtained. He further refers to Annexure P-14 and submits that there is an endorsement at the bottom of the extract of service book of the petitioner(s) that he had shifted to GPF Scheme of 1996.

5. Per contra, learned counsel for the respondent-Corporation submits that the relevant record is placed on record after the remand order passed by the Division Bench of this Court in Intra Court Appeal and perusal of the record indicates that GPF was never deducted from the salary of the petitioner(s), only the CPF has been deducted up to his retirement.

6. The question as to whether the petitioner(s) was shifted to GPF Scheme and made contributions after introduction of 1996 Scheme, is based on the appreciation of the disputed questions of fact.

7. This Court in the exercise of its jurisdiction under Article 226 of the Constitution of India is not equipped to determine such disputed question of facts. The fate of the case entirely hinges upon the determination whether the petitioner(s) has been contributing to GPF or under the earlier Scheme to CPF. According to the petitioner(s), the respondent was deducting the amount in the GPF account from his pay which of course lead to an inference that the petitioner(s) was admitted to the Scheme as deduction of the GPF is the essential fulfillment of the Scheme.

8. On the other hand, learned senior counsel for the respondent has referred to Page Nos.166 & 167 of the paper book which is the record of the Head Office. Perusal thereof reveals that there are three different columns mentioned in the Register under the heading of employees' share, employer's share, optional contribution, CPF Advance and Remarks and further at Page No.167, there are three different columns under the heading of GPF, CPF, GPF/CPF OPT in all three deductions have been shown. At page No.31 (Annexure P-3), deductions are shown only from the GPF account. As such, the petitioner(s) claims that the record clearly indicates that the GPF was deducted from the salary of the petitioner(s).

9. I have heard the submissions made by learned counsel for the parties and have perused the record with their able assistance. The issue involved requires appreciation of record and determination of facts, as such, this Court finds it a fit case to be decided by the Empowered Committee

constituted under the Punjab Dispute Resolution & Litigation Policy, 2020 (hereinafter 'Punjab Litigation Policy') which was notified vide notification dated 25.06.2020.

10. In compliance with the order dated 20.03.2025 passed by this Court in ***CWP No. 7727 of 2025*** titled ***Paramjit Kaur vs. State of Punjab and others***, the Government of Punjab has constituted an Empowered Committee vide letter dated 16.04.2025. The said Committee was established under the Punjab Dispute Resolution & Litigation Policy, 2020, which aims to encourage the swift resolution of disputes, reduce future litigation, and address the considerable backlog faced by the Courts.

11. In view of the discussion above, the above mentioned petitions are disposed of in the following terms:

i. The Empowered Committee constituted under the Punjab Litigation Policy is hereby directed to treat the present writ petition as a comprehensive representation and to consider and adjudicate upon the issue raised herein. In the alternative, the petitioner(s) shall be at liberty to submit a detailed representation setting out his claim within a period of two weeks from the date of receipt of a certified copy of this order.

ii. The Committee shall pass a reasoned and speaking order, after granting an opportunity of personal hearing to the petitioner(s), within a period of four months from the date of receipt of a certified copy of this order, or from the date of receipt of the representation of the petitioner(s), as the case may be. Further, the decision taken thereof shall be conveyed to the petitioner(s). Needless to say, if the petitioner(s) is found entitled to the relief sought, the same shall be granted to him forthwith.

12. Pending miscellaneous applications, if any, shall also stand disposed of.

13. A photo copy of this order be placed on the file of connected cases.

(HARPREET SINGH BRAR)
JUDGE

09.12.2025
Neha

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