IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-2094-2025 (O&M)
Date of Reserve:- 29.08.2025
Date of Pronouncement:-02.09.2025

Punjabi University, Patiala and anr. **......**Appellants

vs.

Inderjeet Kaur …..Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Abhishek Kaushik, Advocate
for the appellants.

Mr. Gagneshwar Walia, Advocate
for the respondent.

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SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 19.01.2024 passed by learned Civil Judge (Junior Division), Patiala whereby the civil suit for declaration filed by the respondent, was decreed in her favour and judgment and decree dated 25.11.2024 whereby the appeal filed by the appellant against the judgment and decree dated 19.01.2024 was dismissed by learned Additional District Judge, Patiala.

FACTS NOT IN DISPUTE

2. Brief facts of the case as per civil suit are that the respondent was appointed on the post of Drawing Teacher on 20.10.1980 by the appellant-University and was posted in University Model School, Punjabi University, Patiala. She was promoted on the post of Trained Graduate Teacher w.e.f. 24.4.1992 and was further promoted to the post of Lecturer we.f. 31.5.2013 and retired on 30.4.2015 while working on the post of Lecturer under the appellant-University. Appellant-University notified grant of option of pension to the

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employees, who were in service on 24.2.2000 under the appellant-University, vide letter No. 4511-4710/Accountant dated 17.7.2009. Vide this letter, the appellant-University provided one special opportunity for grant of pension to its employees and sought option accordingly. Since the respondent was earlier covered under CPF scheme, she opted for pension on 5.8.2009 within the stipulated period of two months from the date of issuance of letter dated 17.7.2009. The said option form was forwarded vide diary No. 13388 dated 8.8.2009 to the Registrar, Punjabi University, Patiala. The respondent also attached letter dated 5.8.2009 alongwith the option form stating that the amount payable by the respondent for getting the pension may be adjusted from the arrears of the CPF lying with the appellant-University. The appellant-University accepted the option of the respondent for grant of pension and accordingly CPF account was changed to that of GPF and the respondent was allotted GPF account No. 1524 and the CPF account bearing No. 2469 was stopped and the respondent was put in the pension scheme for all intents and purposes.

3. Thereafter the CPF was not deducted from the salary of the respondent and she was put under the GPF Pension category. The pension No. 1585 was also allotted to the respondent by the appellant-University. The respondent retired from service w.e.f. 30.4.2015, but she was not granted pension by the appellant-University despite repeated representations and requests made by the respondent to the appellant-University. She then filed civil suit for declaration to the effect that the action of appellant-University by not awarding the pension to the respondent w.e.f 01.05.2015 of the post of Lecturer held by the respondent at the time of her retirement i.e 30.04.2015 is illegal and that she is entitled for pension w.e.f 01.05.2015 along with arrears of pension and interest @ 18% per annum. The civil suit filed by the respondent was decreed in her favour, vide

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judgment and decree dated 19.01.2024 passed by learned Civil Judge (Junior Division), Patiala. The appellants filed appeal against the same, which was dismissed vide judgment and decree dated 25.11.2024 passed by learned Additional District Judge, Patiala. Hence, the present Regular second appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

4. Learned counsel for the appellants contends that the civil suit filed by the respondent in the year 2020 is highly belated, since in the year 2013, the appellant-University stopped depositing the amount in the pension fund account of the respondent, which was never challenged by the respondent. The respondent retired on 30.04.2015 and claimed the amount of CPF and GPF in the year 2018. Further she filed the civil suit in the year 2020 for claiming pension, which is time barred. He further contends that Ex P3 and P30 are not proved, which is the letter sent by the respondent for deducting the amount from her CPF and GPF Account, which was required to be deposited by her in the Pension Fund as per Rules and Schemes. Further that even if the employer share was not deposited in the Pension Fund account of the respondent, no loss was caused to her. He, therefore, prays that the present Regular second appeal be allowed.

5. Per contra, learned counsel for the respondents contends that there are concurrent findings against the appellants. Further that authenticity of the documents was never challenged by the appellant-University. And that the respondent who was earlier covered under the CPF Scheme, opted for pension scheme. After receiving her option, letter No. 7426 dated 12.10.2009 was issued to her informing her that she had to deposit an amount of Rs.6,63,058/- in the University pension fund as per rules and also as per the said scheme, within a period of two months from the date of letter. That it was mentioned that if she fails to deposit the said amount within two months, then she would not be entitled to

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the benefits of the pension scheme and would be covered under the CPF Scheme. That the appellant-University started depositing the amount in the Pension account for four years and suddenly stopped depositing the amount without serving any notice to the respondent. That respondent made many representations to the appellant-University which were ignored and were not replied. The pension should have been started after deduction of deficient amount from the pension account along with interest. He, therefore, prays that the present Regular second appeal be dismissed.

6. In support of his arguments, learned counsel for the respondent has relied upon judgment of this Court in cases of ***Subhash Chand Khullar vs. State of Punjab and others, 2017 (3) SCT 170, Gurdev Singh v s. H.V.P.N.L and others, 2006 (4) SCT 809, Shardha Ram alias Bashir Ahmed vs. State of Haryana and others, 2012 (2) PLR 411 and judgment of Hon'ble the Supreme Court of India in a case of A.N. Sachdeva (dead) by LRs and others vs. Maharashi Dayanand University Rohtak and another, 2015 (10) SCC 117,*** to contend that retiral benefits should be granted after adjustment of amount due along with interest from pension but pension benefits should not be stopped.

7. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

Analysis of the Record

8. A perusal of the record shows that the respondent was appointed on the post of Drawing Teacher on 20.10.1980 and retired from service on 30.04.2015 while working on the post of Lecturer. The appellant-University issued notification and provided special opportunity to its employees to opt for grant of pension. In view of the said notification, respondent opted for pension scheme on 05.08.2009 within the time frame of two months. The defendant

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department considered the option given by respondent and closed her CPF account and opened pension account GPF account no.1524. Respondent remained under the pension scheme from 05.08.2009 to 21.03.2013. Thereafter, without her knowledge, the appellant-University converted the GPF account to CPF account and did not pay pension to the respondent after retirement. The reason for not granting pension was that the respondent did not comply with the direction to deposit the amount of Rs.6,63,058/- in Pension Fund as per Rules and schemes, within a period of two months from the date of notification.

9. The respondent had specifically written letter to the appellant-University to adjust the amount lying in her CPF account towards the pension scheme account. As per the record, the respondent was ready for the adjustment of the amount which was lying in the CPF towards pension account but the appellant-University did not reply to the same. She gave many representations to the appellant-University to decide her pension issue but there was no response to the same.

10. A perusal of the record further shows that the respondent had sent a letter to the appellant-University to deduct the required amount from her CPF Account. Her consent vide letter dated 14.10.2009 to deduct the required amount of Rs.6,63,058/- from her CPF Account No. 2469 is part of the record as Ex P30. A perusal of the record further shows that since the date of her retirement, she kept representing the appellant-University for her retiral benefits. Oral as well as documentary record shows that the respondent opted for pension scheme and sent a letter dated 14.10.2009 which is part of the record as Ex P30 for deduction of the required amount of Rs.6,63,058/- from her CPF Account No. 2469. Ex D1 is the letter dated 20.10.2009 issued by the appellant-University asking the respondent to

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deposit the amount within a period of two months from the date of letter dated 20.10.2009.

11. Ex. P30 i.e letter dated 14.10.2009 is the consent of the respondent which is prior to letter dated 20.10.2009. The appellant-University without sending any notice/intimation to the respondent after 04 years on 21.03.2013, transferred her pension account to CPF Account.

12. DW-1 deposed that the respondent had opted for pension scheme vide Ex.P2 and Ex.P3 on 08.08.2009 and as per Ex P17, her option was accepted with the condition that she must deposit the amount of Rs. 6,63,058/- with appellant-university qua pension. He further admitted that the amount lying in CPF account was Rs 3,30,255/- and GPF account Rs.1,99,455. Thus, total amount comes to Rs.5,29,710/- lying in account of respondent. He further admitted that no letter was issued to respondent that amount was less by Rs. 1,33,348/-. He further admitted that as per record CPF account was changed in pension account and number 1524 was allotted to her and CPF account no.2469 was closed and this pension account was continued upto 21.03.2013.

13. A perusal of the record further shows that despite the consent of the respondent was there to adjust the amount of Rs.6,63,058/- from her CPF and GPF Account, there is no reasoning given by the appellant-University as to why the amount was not adjusted. Further, there is nothing on record to show that the respondent was ever intimated regarding the non receipt of the amount of Rs.6,63,058/- as per Rules and Schemes and no notice was given to the respondent for stopping her Pension Account on 21.03.2013. Number of representations were submitted by the respondent dated 15.10.2014, 18.03.2016 and 02.01.2017 to the appellants which are part of record as Ex.P20, Ex.P21 and Ex.P22 but there was no response to the same. Further, since the respondent was not getting any pension

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and was a widow and was in urgent need of money, therefore, she withdrew the CPF/GPF Funds under protest, which is also part of the record.

14. A perusal of the whole record as well as facts and circumstances of this particular case shows that the respondent was unnecessarily harassed for pension. It is not disputed that amount of Rs.6,63,058/- could always be adjusted from her CPF/GPF Account for which her consent is very much there on record. The act and conduct of the appellant-University as per record shows that the appellant-University intentionally never wanted to release the pension to the respondent. It was the duty of the appellant-University to inform respondent or to give notice regarding deficient amount before taking such harsh step of stopping the pension of the respondent, which she opted for and gave consent to adjust the amount of Rs.6,63,058/- from the amount which was lying in the CPF/GPF account towards the pension account, as per Rules and Schemes.

CONCLUSION

15. In view of the above, I do not find any infirmity in judgment and decree dated 19.01.2024 passed by learned Civil Judge (Junior Division), Patiala as well as judgment and decree dated 25.11.2024 passed by learned Additional District Judge, Patiala and the same are upheld. Accordingly, the present regular second appeal is dismissed.

16. Parties are left to bear their own costs. Decree sheet be prepared accordingly.

17. Pending application (s) if any also stands disposed of.

02.09.2025 **(SUDEEPTI SHARMA)**
Gaurav Arora **JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : Yes

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