223 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-375-2021 (O&M)
DECIDED ON: 09.09.2025

KEWAL KRISHAN

.....PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ranbir Singh Rawat, Advocate for the petitioner

Mr. V. Ramswaroop, Advocate for respondents No.2 to 4

SANDEEP MOUDGIL, J

1. Prayer

The petition has been filed Article 226/227 of the Contitution of India for the issuance of writ in the nature of certiorari quashing of letter dated 08.11.2019 (Annexure P-9) whereby representation (Annexure P-8) was rejected and further prays for direction to respondents to allow the petitioner to opt OPT Pension Scheme and deposit the amount to opt the pension scheme (Option for pension dated 30.04.2019) (Annexure P-2).

2. Brief Facts

Brief facts of the case are that the petitioner was appointed as Sub-Staff (Group-D) on 21.05.1979 (Employment No. 31821), promoted as Record Clerk on 28.07.1986, and Assistant Clerk on 03.09.2003. After 38 years of satisfactory service, he retired on 31.03.2017. The Government of India framed the General Insurance (Employees) Pension Scheme, 1995, later amended by notification dated 23.04.2019, granting another option to retired employees who had not earlier joined. Accordingly, respondent No. 2 issued instructions allowing eligible employees, including the petitioner, to opt.

3. ***Contentions***

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner exercised his option and was directed to deposit ₹5,36,535/- by 21.10.2019. Accordingly, he deposited ₹3,02,500/- on 21.10.2019 but, due to illness and hospitalization from 20.10.2019 to 23.10.2019, he could deposit the balance ₹2,33,935/- only on 24.10.2019. The bank, however, returned this amount.

He has further argued that despite partial deposit and subsequent representation dated 07.11.2019 with supporting medical proof, the respondents rejected his case on 08.11.2019, citing delay. Even the earlier deposit of ₹3,02,500/- was refunded on 15.11.2019. His further representation dated 21.11.2019 to the CMD also went unheeded. The petitioner, having served 38 years, is in dire need of pension in old age. He had deposited, and remains ready to deposit, the entire required amount, but denial of pension on technical grounds has caused grave hardship. He has placed reliance upon the judgment dated 12.02.2021 passed by this Court in CWP-20907-2020 titled as ***'Dharam Paul Singla vs. Union of India and ors.'***

On behalf of respondents

Learned counsel for respondents No. 2 to 4 contends that the petitioner had opted for the Pension Scheme in terms of the company's calculation sheet and, vide offer letter dated 17.09.2019, was required to deposit a sum of

₹5,36,435/- on or before 21.10.2019. The petitioner, however, deposited only ₹3,02,500/- within the stipulated date and remitted the balance amount of ₹2,33,935/- through RTGS on 24.10.2019, i.e., after expiry of the prescribed last date. It is submitted that as per the Gazette Notification and guidelines issued by the Government of India, the last date for deposit of the entire amount was fixed as 21.10.2019, and there is no provision under the Pension Scheme to grant any extension or relaxation of the said deadline. Since the petitioner failed to comply with this mandatory requirement, the respondents rightly rejected his request and refunded the amount. The action taken is strictly in accordance with the Rules and Regulations of the Pension Scheme, and therefore, the present writ petition is devoid of merit and liable to be dismissed.

Heard learned counsel for the parties and perused the record.

4. Analysis

The brief facts are not in dispute. The petitioner, after rendering 38 years of unblemished service with the respondent-organization, retired on 31.03.2017. Vide notification dated 23.04.2019, the Government of India introduced the *General Insurance (Employees) Pension Amendment Scheme, 2019*, thereby granting one more option to the category of employees, including retired employees such as the petitioner, to join the Pension Scheme of 1995. Pursuant thereto, the petitioner exercised his option and was directed on 17.09.2019 to deposit an amount of ₹5,36,535/- on or before 21.10.2019.

It is admitted that the petitioner deposited ₹3,02,500/- within the stipulated date and that he could not deposit the balance amount of ₹2,33,935/- on 21.10.2019 due to his hospitalization from 20.10.2019 to 23.10.2019. Immediately upon discharge, he deposited the remaining balance on 24.10.2019 through RTGS. The amount, however, was not accepted and was returned by the bank. Despite submission of medical proof and representations dated 07.11.2019 and 21.11.2019, his request was rejected vide order dated 08.11.2019.

The contention of the respondents is that the scheme did not provide for extension of the last date, and therefore, their action is justified. This Court is unable to accept the said contention in the peculiar facts of the present case. The petitioner had already deposited a substantial amount within the prescribed date and the delay of three days in depositing the balance amount was solely on account of his medical condition, duly substantiated by medical records. Denial of pensionary benefits for such a minor procedural lapse, particularly when the petitioner has served for nearly four decades, would amount to taking a hyper-technical view and cause grave injustice.

At this stage, it is also relevant to notice that reliance has been placed by learned counsel for the petitioner on the judgment of this Court in '***CWP-20907-2020'****, decided on 12.02.2021*, wherein in similar circumstances, employees who could not strictly adhere to the time schedule for deposit of the requisite amount under the Pension Scheme were granted relief on equitable considerations. The principle laid down therein squarely applies to the present case, as both involve retired employees who had shown bona fides in exercising their option but were denied pension for reasons beyond their control. This Court finds merit in the reliance placed on the said precedent, which fully supports the petitioner's case.

This Court is of the considered view that strict adherence to procedural timelines cannot override the principles of justice, equity, and good conscience, especially when the circumstances justify minor deviations. The petitioner, having devoted 38 long years of unblemished service, is not a stranger to the organization but he is, in every sense, a member of the very family that he helped build and sustain in the many years of service.

Unfortunately, in this case, the respondent has treated its own family member as a mere file number, choosing to apply a rigid, mechanical approach, rather than showing even the minimum human sensitivity that the situation demanded. An employee is not merely an instrument of labor; he is a vital thread in the fabric of any institution. He gives his years, his health, his dedication and in return, deserves to be treated with dignity, especially in his twilight years.

The delay of three days in depositing the balance amount was not due to any willful negligence or lack of interest, but solely due to the petitioner's sudden hospitalization, a fact supported by valid medical documents. Despite having already deposited a substantial amount within the stipulated date, and despite making good the balance payment immediately upon discharge, the refusal to accept the same reflects a disturbing absence of compassion in the system.

Department must recognize that procedural rules are meant to serve justice, not to obstruct it. To deny a pension, a measure of economic security and recognition of lifelong service based on such a minor and unintentional delay, is to defeat the very spirit in which the Pension Scheme was introduced.

It is the high time for organizations, especially public institutions, to look beyond the rigidity of deadlines and embrace the human realities that their employees live through. Those who serve the department for decades, who become the very soul of the system, should not be cast aside or reduced to technical defaults after retirement. They are not outsiders seeking favors but they are insiders seeking fairness.

This Court, therefore, finds it wholly unjustified and unconscionable to deny the petitioner his rightful pensionary benefits for a delay that was neither deliberate nor avoidable. The respondents were expected to show empathy, appreciate the petitioner's bona fides, and act with institutional grace which sadly, they failed to do.

5. <u>Relief</u>

Accordingly, the impugned letter dated 08.11.2019 (Annexure P-9) cannot be sustained and is hereby quashed. The respondents are directed to accept the balance amount from the petitioner, if not already accepted, and extend the benefits of the Pension Scheme, 2019, to him forthwith. Necessary consequential orders be passed within a period of three months from the date of receipt of certified copy of this judgment.

The writ petition is allowed in the above terms.

(SANDEEP MOUDGIL)
JUDGE

09.09.2025
Sham

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