



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

CWP-19419-2025

Date of Decision: 15.07.2025

Kushal Pal Singh

.....Petitioner(s)

Versus

Regional Provident Fund Commissioner and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ved Pal Malik, Advocate,
for the petitioner.

Mr. S.S. Parmar, Advocate,
for respondent No.4.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents to re-examine his case, issue fresh demand notice and allow benefits under Employees Pension Scheme, 1995 as per actual salary.

2. The petitioner is claiming that in view of judgment of Supreme Court in *R.C. Gupta and others vs. Regional Provident Fund Commissioner, Employees Provident Fund Organization and others, SLP No.33032-33033 of 2015*, he is entitled to benefit of higher monthly pension. He retired on 31.08.2010. The respondent No.1 issued demand notice dated 26.11.2018. The petitioner vide demand draft dated 13.12.2018 deposited a sum of ₹2,39,617/- with respondent No.1 who sanctioned revised pension, issued new PPO and conveyed the



same to regional office Dwarka, New Delhi. Respondent No.1 informed respondent No.2 that claim of revised pension should be sent to Regional Office, New Delhi. In the correspondence between the departments, revised pension letter got misplaced. The petitioner requested respondent No.1 to return amount deposited by him. Respondent No.1 returned the aforesaid amount.

3. Mr. S.S. Parmar, Advocate has filed Memo of Appearance on behalf of respondent No.4.

4. On the asking reason of withdrawal of money deposited by petitioner, Mr. Ved Pal Malik, Advocate submits that petitioner was in need of funds, thus, he requested the respondent either to accept his application or return amount already deposited. The respondent refunded amount deposited by petitioner.

5. The amount was refunded by respondent in 2019. The petitioner remained silent for almost 5 years. The petitioner by accepting amount refunded by respondent has withdrawn his application. There is no reasonable explanation for the inordinate delay of 5 years apart from the fact that it was petitioner who by seeking refund of aforesaid amount has withdrawn his application. Claim of petitioner at this stage is not sustainable.

6. Dismissed.

15.07.2025
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(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No