



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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LPA-2638-2025 (O&M)
Date of Decision : 28.10.2025

Kushal Pal Singh

... Appellant

Versus

Regional Provident Fund Commissioner and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. V.P. Malik, Advocate
for the appellant.

ASHWANI KUMAR MISHRA J. (ORAL)

1. The appellant is aggrieved by the order dated 15.07.2025 whereby the writ petition has been dismissed by the learned Single Judge.
2. Learned Single Judge has given reasons for dismissal of the writ which are reproduced as under :

“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 The petitioner by accepting amount refunded by respondent has withdrawn his application.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inordinate delay of 5 years apart from the fact that it was petitioner who by seeking refund of aforesaid amount has withdrawn his application.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.”

3. The facts as has been noticed by the learned Single Judge are not in dispute. It is undisputed that the appellant opted for refund of the amount which was allowed by the department. The refund was received by the appellant in the 2019. It is after five years that a writ petition came to be filed before the learned Single Judge which has been dismissed. The policy in respect of the pension was explicit inasmuch as the benefit of pension could be availed only after the deposit of the amount. The amount deposited was got refunded by the appellant. Once that be the position and the appellant has acquiesce to the situation by accepting refund, a subsequent



attempt to revive the claim without assailing the policy, has rightly been rejected by the learned Single Judge, which requires no interference by this Court.

- 4. Dismissed.
- 5. All pending misc. Application(s), if any, also stands disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

28.10.2025
Satyawan

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