

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

277+281+285+286+287

Date of decision: 19.11.2025

1. CWP-28760-2024

Usha Rani Pasricha and others

....Petitioners

Versus

Union of India and others

....Respondents

2. CWP-1310-2025 (O&M)

Harbans Lal Garg

....Petitioner

Versus

Union of India and others

....Respondents

3. CWP-12005-2025

Harnek Singh and others

....Petitioners

Versus

Union of India and others

....Respondents

4. CWP-12832-2025

Manan Kumar Mukherji and another

....Petitioners

Versus

Union of India and others

....Respondents

5. CWP-12835-2025

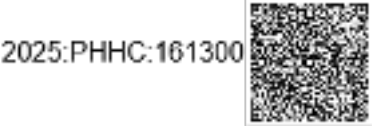
Balbhadar Singh and others

....Petitioners

Versus

Union of India and others

....Respondents



CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Parveen Gupta, Advocate
for the petitioner(s) in all the petitions.

Mr. Vikas Arora, DAG, Punjab.

Mr. Rajesh Hooda, Advocate
for respondents No.2 and 3 in CWP-28760-2024
in CWP-1310-2025, CWP-12005-2025, CWP-12832-2025
and for respondents No.2 to 4 in CWP-12835-2025.

Mr. Ritesh Kumar Bansal, Advocate
for respondent No.4 in CWP-12832-2025.

Mr. B.S. Patwalia, Advocate
for respondent No.5 in CWP-12835-2025
and for respondent No.4 in CWP-12005-2025.

HARPREET SINGH BRAR J. (Oral)

CM-10322-CWP-2025 in CWP-1310-2025

Prayer in this application filed under Section 151 CPC is
for seeking exemption from filing certified/typed copies of Annexures
R/1 to R-10.

Allowed as prayed for.

CM-10323-CWP-2025 in CWP-1310-2025

Prayer in the instant application filed under Section 151 of
CPC is for placing on record written statement along with documents
(Annexures R/1 to R-10).

Allowed as prayed for subject to all just exceptions.

MAIN CASES

1. Vide this common order, I intend to dispose of CWP
No.28760 of 2024, CWP Nos.1310, 12005, 12832 and 12835 of 2025,

2025:PHHC:161300



as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CWP-28760-2024.

2. Prayer in the writ petition (CWP-28760-2024), is for issuance of a writ in the nature of *certiorari*, for quashing the impugned Circular No.Pension/2022/54877/15149 dated 29.12.2022 (Annexure P-28) and impugned Circular No.Pension/2022/55893/15785 dated 25.01.2023 (Annexure P-29) issued by respondent No.2 and impugned letter No.RO/CHD/PRCELL/PN/4690/247/84 dated 31.05.2024 (Annexure P-30) issued to respondent No.1 and impugned letter No.RO/CHD/PB/CHD/4690/747/497 dated 08.08.2024 (Annexure P-31) issued to petitioner No.4 by respondent No.3. Further a writ of *mandamus* has been sought, directing respondent No.3 to revise the pension of the petitioners as per the Circular dated 23.03.2017 issued by respondent No.2 (Annexure P-16).

3. Learned counsel for the petitioner(s), inter alia, contends that the sanction letter dated 23.03.2017 issued by respondent No.2 (Annexure P-16) has not been withdrawn as conveyed to this Court by learned counsel for the respondent/Corporation, when the judgment in **CWP-35154-2024**, titled as ***Om Parkash and others vs Union of India and others***, was passed on **24.09.2025**. It is further submitted that on 20.03.2021, the letter dated 23.03.2017 (Annexure P-16) was kept in abeyance pending final decision in ***Employees Provident Fund Organisation vs Sunil Kumar B., 2022 INSC 1171***. Further, the

2025:PHHC:161300



petitioners have obtained an information under the RTI Act on 28.10.2022 from the respondent/Corporation in which it has been clearly stated that no review in **Civil Appeal No.10013-10014 of 2016**, titled as ***R.C. Gupta vs Regional Provident Fund Commissioner Employees Provident Fund Organisation and others***, decided on **04.10.2016**, has been filed by respondent/Corporation or by the Ministry of Labour and Re-employment. Consequently, the judgment of the Hon'ble Supreme Court in ***R.C. Gupta's case (supra)*** still continues to hold the field. Further, the Three Judges Bench in ***Sunil Kumar B's case (supra)***, has not overruled the judgment in ***R.C. Gupta's case (supra)*** and has rather reaffirmed the principles laid down therein.

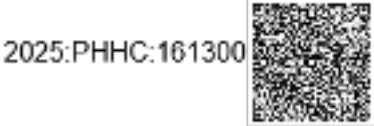
4. *Per contra*, learned counsel for respondents submits that admittedly, the petitioners retired prior to 01.09.2014 and they had not exercised option under para No.11 of the Pre-Amendment Scheme. The employees, who had retired in these circumstances, are not eligible for the benefits under this scheme. A three-Judge Bench of the Hon'ble Supreme Court in ***Sunil Kumar B's case (supra)***, had categorically held in clause (v) of Para No.44 that the employees, who had retired prior to 01.09.2014 without exercising any option under paragraph 11(3) of the pre-amendment scheme, have already exited from the membership thereof. They would not be entitled to the benefit of this judgment. Some of the employees, who had retired prior to 01.09.2014, had filed **Misc. Application No.2162 of 2022 in WP (C) No.874 of 2018** titled as

2025:PHHC:161300



Association of Former Executives of Hindustan Aeronautics Ltd. (HALE) and others etc. vs Employees Provident Fund Organization and others etc., with regard to clarification of Para No.44 (v). The said application has been registered as **IA No.194149 of 2022 in M.A No.2162 of 2022 in WP(C) No.874 of 2018** and the Hon'ble Supreme Court was pleased to dismiss the same on **07.08.2023** and further this issue came up to be considered before the Hon'ble Supreme Court in **Writ Petition (Civil) No.97 of 2025** titled as ***Powergrid Retired Employees' Association (PREA) vs Union of India and others***, which stands decided on **19.03.2025**, wherein it was again reiterated that the employees, who retired prior to 01.09.2014 without exercising their option under paragraph 11(3) of the pre-amendment scheme, are not entitled to the benefits of pension scheme. The order passed by the Hon'ble Supreme Court in ***Powergrid's case (supra)***, reads as follows:-

The petitioner-association primarily seeks a review of the judgment passed by a three Judge Bench of this Court in the case of "Employees Provident Fund Organisation & Anr. v. Sunil Kumar B. & Ors." reported in (2023) 12 SCC 701, though Mr. Gopal Sankaranarayanan, learned senior counsel for the petitioner 2 association would argue that this is not so, and they are only seeking implementation the directions given by this Court in the case of "R.C.Gupta & Ors. v. Regional Provident Fund Commissioner, Employees Provident Fund Organisation & Ors." reported in (2018) 14 SCC 809, which has been upheld in Sunil Kumar B (supra). All the same, this



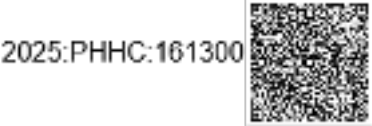
argument is totally misconceived since admittedly, the employees who are being represented by the petitioner-association have been held to be ineligible for the reason that they had retired prior to 01.09.2014, without exercising their option under the pre-amendment Scheme/Employees' Pension Scheme, 1995 as it stood prior to the amendment in 2014. In fact, this position has been clarified by this Court in Sunil Kumar B (supra) and the relevant excerpts are reproduced herein as under:

"50. We accordingly hold and direct: 50.7. The employees who had retired prior to 1-9-2014 without exercising any option under Para 11(3) of the pre-amendment Scheme have already exited from the membership thereof. They would not be entitled to the benefit of this judgment. 50.8. The employees who have retired before 1-9-2014 upon exercising option under Para 11(3) of the 1995 Scheme shall be covered by the provisions of Para 11(3) of the Pension Scheme as it stood prior to the amendment of 2014."

(emphasis provided)

2. In view of the fact that it is an admitted position that these employees have retired prior to 01.09.2014 & that too without exercising their option, we see no reason to entertain this petition in exercise of our jurisdiction under Article 32 of the Constitution of India.

3. The present petition is, accordingly, dismissed along with pending application(s), if any.



5. Learned counsel for the respondents further submits that the identical controversy raised in the instant writ petitions with regard to right of the retirees prior to the year 2014 have already been considered and dismissed by this Court vide detailed judgment passed in ***Om Parkash's case (supra)***.
6. Having heard the learned counsel for both the parties it transpires that all the petitioner(s) in the present case retired before 01.09.2014 without exercising the stipulated option under paragraph 11(3). The law in this regard is no longer *res integra* and has been settled by this Court and Hon'ble Apex Court in ***Sunil Kumar B's case (supra)*** and ***Powergrid's case (supra)***.
7. Accordingly, all the captioned writ petitions are hereby dismissed in terms of judgment rendered by this Court in ***Om Parkash's (supra)***.
8. Pending miscellaneous application, if any, also stands disposed of.
9. A photocopy of this order be placed on the file of other connected cases.

(HARPREET SINGH BRAR)
JUDGE

19.11.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No