



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

CWP-30987-2025

Date of decision: 03.11.2025

Gurmail Singh

....Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ajay Pal Singh Gill, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Rajesh Hooda, Advocate
for the respondent-EPFO.

HARPREET SINGH BRAR, J. (ORAL)

1. The instant writ petition has been filed under Articles 226/227 of the Constitution of India, seeking the issuance of a writ in the nature of *certiorari* to quash the order dated 11.03.2025 (Annexure P/7) passed by respondent No.4, whereby the petitioner's online application for validation of joint option for pension on higher wages was rejected as ineligible. A consequential writ in the nature of Mandamus is also sought, directing the respondents to disburse pension to the petitioner based on higher wages in compliance with the judgment of the Hon'ble Supreme Court in ***Employees Provident Fund Organization Vs. Sunil Kumar B.(SLP No. 8658-8659 of 2019)***.

2. Briefly the facts of the case is that the petitioner retired from the service of respondent No.5 - on 31.12.2012 upon attaining the age of superannuation. The petitioner claims to have exercised a joint option for



pension on full wages under the Employees' Pension Scheme (EPS), 1995, in accordance with the EPFO circular dated 23.03.2017 (Annexure P/1). Pursuant to the directions of the Hon'ble Supreme Court in ***Sunil Kumar B.'s case (supra)***, the petitioner submitted an online application for validation of the joint option. The said application was subsequently rejected by respondent No.4 vide the impugned order dated 11.03.2025 (Annexure P/7).

3. Learned counsel for the petitioner contends that the action of the respondents is arbitrary and violative of the directions issued by the Hon'ble Supreme Court. He submits that the petitioner had complied with the online procedure and that the rejection is unjust.

4. Per contra, learned counsel for respondent submits that the case of the petitioner is squarely covered by the law settled by the Hon'ble Supreme Court. He relies upon the three-Judge Bench judgment in ***The Employees Provident Fund Organization and another Vs. Sunil Kumar B. and others (2023) 12 SCC 701***. He further submits that as the petitioner retired on 31.12.2012, i.e., prior to the cutoff date of 01.09.2014, and having not exercised the joint option under Paragraph 11(3) of the pre-amendment scheme during his service, he is deemed to have exited the scheme and is not entitled to the benefit of higher pension.

5. I have heard the learned counsel for the parties and perused the record.

6. The sole question that arises for consideration is: "Whether an employee who retired prior to 01.09.2014, without having exercised a joint option under the proviso to Paragraph 11(3) of the pre-amendment EPS, 1995, during his service, is entitled to the benefit of pension on higher wages?"



7. This issue is no longer *res integra* and 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. Subsequently this court in ***Om Parkash and others Vs. Union of India and others (CWP-35154-2024 & connected cases)***, decided on 24.09.2025, has authoritatively settled the position in law. The factual matrix in the said cases was identical to the present one, involving employees who retired before 01.09.2014 and had not exercised the requisite joint option during their service.
8. The learned counsel for the petitioner, despite strenuous arguments, has been unable to distinguish the case of the petitioner from the law laid down in ***Power Grid (supra)*** and ***Om Parkash (supra)***. Admittedly, the petitioner herein retired on 31.12.2012, i.e., prior to 01.09.2014. The petitioner's own averments and the findings in the impugned order establish that no option under the proviso to Paragraph 11(3) of the EPS, 1995, was exercised during his service, and contributions to the pension fund were made only on the statutory wage ceiling.
9. As per the settled principle the action of the respondent authorities in rejecting the petitioner's application cannot be termed as illegal or arbitrary. The impugned order is in strict conformity with the law declared by the Hon'ble Supreme Court and followed by this Court.
10. Consequently, in view of the above discussion, the present writ petition is devoid of any merit and is, accordingly, dismissed.

11. All pending miscellaneous applications, if any, stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.11.2025
Neha

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