IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-34833-2025

Chandro Devi ....Petitioner

Versus

State of Punjab and others ...Respondents

Reserved on: 26.11.2025
Pronounced on: 28.11.2025
Uploaded on: 28.11.2025

Whether only the operative part of the judgment is pronounced? *No*
Whether full judgment is pronounced? *Yes*

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nitesh Singla, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Ms. Sunint Kaur, Advocate
for respondent No.4

HARPREET SINGH BRAR, J.

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of *Mandamus* directing the respondent-department to accept the petitioner's option for pension and grant her monthly pension under the Punjab Municipal Employees Pension and General Provident Fund Rules, 1994 along with all consequential benefits.

FACTUAL BACKGROUND

2. Briefly stated, petitioner, Smt. Chandro Devi, was appointed on a regular basis as a Class-IV Safai Sewak (Sweeper) with the Respondent-

Department on 06.10.1980. After rendering 43 years, 5 months, and 26 days of continuous, satisfactory, and unblemished service, she superannuated from service on 31.03.2024. The State of Punjab, in a welfare-oriented move, implemented the Punjab Municipal Employees Pension and General Provident Fund Rules, 1994 (hereinafter referred to as 'the 1994 Rules') with effect from 01.04.1990 (Annexure P-1).

3. Rule 3 of the 1994 Rules stipulated that employees who were in service as on 01.04.1990 were to be given a four-month window to exercise their option to join the pension scheme. Employees appointed after 01.04.1990 were to be automatically covered under the pension scheme. The petitioner, being an illiterate and uneducated Class-IV employee, was never made aware of this critical option or its lifelong financial implications.

4. Upon nearing retirement, the petitioner discovered to her shock that she had been denied pensionary benefits solely due to her failure to exercise the option within the stipulated period back in 1994. Consequently, The petitioner, soon after her retirement, submitted a detailed representation dated 09.04.2025 (Annexure P-10) to the respondent authorities, requesting the grant of pension and expressly stating her readiness and willingness to refund the employer's share of the Contributory Provident Fund (CPF) contribution.

5. The plight of the petitioner is not an isolated one. The Government of Punjab itself recognized the difficulty faced by such employees. In a meeting held under the chairmanship of the Chief Minister on 31.10.2011, it was proposed to grant a fresh opportunity to employees who had not opted for the pension scheme earlier. A copy of the relevant letter is annexed as Annexure P-2. However, this proposal was never implemented. A subsequent departmental

letter dated 01.03.2012 (Annexure P-3) clarified that no proceedings could be initiated for granting a fresh option without a formal amendment to the 1994 Rules, which was never carried out. Left with no alternative remedy, the petitioner has approached this Court.

CONTENTIONS

6. Learned counsel for the petitioner *inter alia* contended that the petitioner, being an illiterate Class-IV employee, was wholly incapable of understanding the procedural formalities of the 1994 Rules. The respondent-department was under a solemn duty to ensure that such an employee was properly informed and assisted. Its failure to do so constitutes a grave lapse, and the petitioner cannot be made to suffer a lifelong penalty of denial of pension for this procedural lapse. Further, the 1994 Rules is a welfare legislation. Such statutes must be interpreted liberally and in favor of the employee for whom they are made. A hyper-technical and pedantic interpretation that denies benefits due to a procedural lapse by an illiterate employee defeats the very purpose of the welfare scheme.

7. The learned counsel for the petitioner places heavy reliance on the judgments of this Court in ***Davinder Singh and others Vs. State of Punjab (CWP No.18381 of 2003, decided on 19.04.2010)***, ***Ram Dia v. Uttar Haryana Bijli Vitran Nigam Ltd. 2005(4) SCT 387***, ***Bali Ram Vs. Kurukshetra University and anr. (CWP No. 4944 of 2015, decided on 17.03.2016)***, ***Rajinder Kumar vs. State (CWP No. 2703 of 2021, decided on 22.03.2024)*** and **Urmila v. State of Punjab and others (CWP No. 30825 of 2025, judgment dated 28.10.2025)**. Furthermore, it is submitted that the petitioner is ready and willing to refund the employer's share of the Contributory Provident Fund (CPF) contribution.

8. The learned counsel for the respondents could not controvert the specific and direct reliance placed by the petitioner on the judgments of this Court. Further, no material has been placed on record to demonstrate that the petitioner was ever made aware of the option under the 1994 Rules or its implications.

OBSERVATION & ANALYSIS

9. I have heard the learned counsel for the parties and have perused the record with their able assistance. A Coordinate Bench of this Court, in ***Davinder Singh and others v. State of Punjab (CWP No. 18381 of 2003, decided on 19.04.2010)***, dealt with an identical issue wherein the petitioners had failed to exercise their option within the prescribed period of four months due to lack of awareness of the applicable pension rules. This Court allowed the writ petition, and the said judgment was upheld in LPA No. 1192 of 2010 by a Division Bench vide order dated 21.04.2014. The order of the Division Bench was further assailed before the Hon'ble Supreme Court by way of a Special Leave Petition, which too was dismissed vide order dated 25.10.2017.

10. The Division Bench of this Court in ***Ram Dia v. Uttar Haryana Bijli Vitran Nigam Ltd. 2005(4) SCT 387***, allowed the writ petitioners therein to exercise their option to be covered under the pension scheme on the ground that the respondents therein failed to show any material that the circular was actually got noted in writing from the petitioners. The Court observed as follows:

> "*9. **Learned counsel for the petitioner vehemently argued that petitioners are illiterate and no such circular as pointed out by the respondents, was got noted from them.** The petitioners were always desirous and willing to opt for the pension scheme by counting the work-charge/daily-wage service. In support of his arguments, the learned counsel relied on a judgment of this Court in the case of Lilu Ram v.*

State of Haryana and others, CWP No. 2476 of 1997, decided on 9.10.1997. ***The learned counsel for the respondents failed to show any material that the circular dated 6.8.1993 was actually got noted in writing from the petitioners. In the absence of any such material, it can well be inferred that the petitioner had no knowledge about the options called by the respondents vide the aforesaid circular. Therefore, it is unreasonable to deny the pensionary benefits to the petitioners.***" (Emphasis supplied)

11. Further, a coordinate Bench of this Court in ***Bali Ram Vs. Kurukshetra University and anr. (CWP No. 4944 of 2015, decided on 17.03.2016)***, wherein the pension scheme was not brought into the notice of many class IV employees including the petitioner therein and thus some of the employees could not submit their options for pension and pensionary benefits within the stipulated period. While allowing the writ petition, the Court observed as follows:

*"****In the present case as well, the department has failed to produce on record that the instructions have been got noted down from the petitioner. Petitioner being IV class employee and illiterate cannot be deprived of the benefit, which has been opted by other employees. It was the mistake on the part of the respondent- department that they had not got circular/instructions noted down from the employees.*** *When the petitioner came to know about the instructions/circulate, he immediately submitted option on 01/06.12.2006 and mentioned that when the options were taken for pensionary benefits, he was not apprised about the scheme and there were four other employees, who had not submitted options for pensionary benefits, in pursuance of the scheme (P-2 and P-3)."* (Emphasis supplied)

12. The aforementioned decision was challenged before a Division Bench of this Court vide LPA no. 790 of 2016 and the same was dismissed on 03.11.2016. The Division Bench held as follows:

"[7] ***On a specific query put by us, learned counsel for the appellant-University fairly states that no individual intimation was given to the employees in the year 2004 to enable them to exercise their option for the Pension Scheme. Only a general intimation was given. That being***

***so, we are inclined to accept the version of the respondent, who is a semi-illiterate Class-IV employee, that he had exercised such option and submitted pension papers also*.**

[8] ***Assuming that respondent did not exercise the option, yet in the light of interpretation given by us to various clauses of the Pension Scheme in LPA No.1153 of 2016 (Kurukshetra University, Kurukshetra vs Manjit Singh) decided on October 21, 2016, we are of the considered view that purpose of giving option to pre- 01.04.1995 appointees was not to alter their conditions of service to their disadvantage or otherwise without their consent. The intentment of the University is writ large that the Pension Scheme be adopted by all the employees. For that reason only, it has made it compulsory in respect of all those employees who came to be appointed on or after 01.04.1995 and then circulated second time in the year 2004 so that pre- 01.04.1995 appointees can also give a second thought and opt for the Pension Scheme.***

[9] Keeping this in view, coupled with the fact that no financial loss would be caused to the appellants-University, for the reason that respondent is in service and nothing has been paid to him so far, we are not inclined to interfere with the order under appeal." (Emphasis supplied)

13. Furthermore, in **CWP No. 2703 of 2021** titled as '***Rajinder Kumar v. State of Punjab and others***', the petitioner therein requested the departments to grant the pension for the services rendered by his wife Late Sunita Devi. As per the reply filed by the Nagar Council Maur in the aforesaid writ petition, the deceased Sunita Devi had never opted for the pension under the 1994 Rules. However, by taking the lenient view, the respondent-department decided to allow the family pension to the petitioner on the condition to refund the CPF contribution made by the Nagar Council in the account of deceased Sunita Devi.

14. In the present case, the petitioner, an uneducated and illiterate Class IV employee, has rendered over 43 years of service to the Respondent-Department. Owing to her lack of awareness about the 1994 Rules, she was unable to exercise the requisite option. There is nothing on record to indicate that the Respondent-Department had obtained her acknowledgment of the relevant instructions. This Court is of the considered view that the Respondent-Department was under an obligation to ensure that such employees were duly informed and provided necessary assistance in this regard.

15. Furthermore, the 1994 Rules being a piece of welfare legislation, must be construed liberally and in a manner that advances the interest of the employees for whose benefit they were enacted. The petitioner, an uneducated Class IV employee unaware of the 1994 Rules, cannot be made to suffer merely because she did not formally exercise the option prescribed therein. Moreover, soon after her retirement, upon learning that other similarly placed employees were being granted pension, the petitioner submitted a representation dated 09.04.2025 (Annexure P-10) to the respondents, seeking the grant of pension and expressing her willingness to refund the CPF contribution made by the employer. Upon her claim remaining unconsidered, she promptly approached this Court, without any unreasonable delay.

CONCLUSION

16. In view of the foregoing discussion, the present petition is allowed. The petitioner shall refund the employer's share of the Contributory Provident Fund (CPF) contribution, whereupon the Respondents are directed to accept her option for pension and grant her the benefit of monthly pension under the 1994 Rules, along with all consequential benefits, within a period of

three months from the date of receipt of a certified copy of this order.

17. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.11.2025
Neha

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