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

CWP-35100-2025

Date of decision: 04.12.2025

Pritam Kaur and another

....Petitioners

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.S. Walia, Advocate
for the petitioners.

Mr. Rajesh Hooda, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the action of respondents No.2 & 3 reducing the pension of the petitioners and to quash the notices (Annexures P-6 & P-7) issued to the petitioners and further for issuance of writ in the nature of *mandamus* directing respondent No.3 to release the pension from the month of January, 2023 to the petitioners on full wages and to release it regularly every month instead of pension released on reduced wages.

2. On 27.11.2025, the following order has been passed:-

“Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing the action of respondents No.2 and 3 for reducing the pension of the petitioners and to quash the notices dated 15.02.2023 (Annexure P-6) and dated 28.01.2023 (Annexure P-7). Further a writ of mandamus has been sought, directing the respondent No.3 to release the pension from the month of January, 2023 to the petitioners on full wages and to release the same regularly every months instead of pension released on reduced wages.



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*Learned counsel for the petitioners, inter alia, contends that both the petitioners are retirees, who superannuated prior to 01.09.2014. Initially, the petitioners were not granted pension on higher wages as the option for the same was not brought to their notice. After, the respondent/Corporation accepted the option of the petitioners in terms of the judgment rendered by the Apex Court in **R.C. Gupta vs Regional Provident Fund Commissioner Employees Provident Fund Organization, (2018) 14 SCC 809**, the pension payment orders of the petitioners were prepared and the petitioners started receiving the pension on higher wages. Subsequently, the respondent/Corporation issued the impugned notices dated 15.02.2023 (Annexure P-6) and dated 28.01.2023 (Annexure P-7) and following these notices, the petitioners' pensions were either withheld or reduced to the lower ceiling limited amount.*

Learned counsel for respondents No.2 and 3, appearing on advance notice, seeks a short accommodation to address arguments.

Adjourned to 04.12.2025.

In the meantime, operation of the impugned notices dated 15.02.2023 (Annexure P-6) and dated 28.01.2023 (Annexure P-7) shall remain stayed."

3. Learned counsel for respondents No.2 & 3 is not in a position to controvert that the controversy involved in the present case is squarely covered by the judgment rendered by a Coordinate Bench of this Court in **CWP No.5378 of 2024** and other connected cases, titled as ***Inderjit Singh Kaknian and others vs Union of India and others***, decided on **12.09.2024**, wherein, it has been categorically held that after acting upon the demand notice and accepting the differential amount, the issue of entitlement of the employees to enhanced pension cannot be reopened and revisited by the employer.

4. Having heard learned counsel for the parties and after perusal of the record, it appears that the issue involved in the present petition is no longer *res integra*. A Coordinate Bench of this Court in ***Inderjit Singh Kaknian's case (supra)*** has categorically held that once the employer/EPFO has accepted the joint option, acted upon the same, determined the pension on higher wages and

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recovered the differential contribution from the employees, the respondents cannot thereafter reopen or revisit the issue of entitlement to enhanced pension. The petitioners' joint options were duly accepted in terms of the law laid down in *R.C. Gupta vs. Regional Provident Fund Commissioner Employees Provident Fund Organization, (2018) 14 SCC 809* and their pension on higher wages was sanctioned and released. Thus, at this stage, the respondents cannot be allowed to revise the same to the disadvantage of the petitioners.

5. In view of the discussion above, the present writ petition is allowed. The impugned notices dated 15.02.2023 & 28.01.2023 (Annexure P-6 & P-7, respectively) are hereby set aside.

(HARPREET SINGH BRAR)
JUDGE

04.12.2025
Neha

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