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

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Date of decision: 04.05.2026

YASHPAL

...APPELLANT

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Mr. Sharwan Sehgal, Advocate
for the appellant.
(*through Video Conferencing*)

JASGURPREET SINGH PURI, J. (Oral)

1. The present intra-court appeal has been filed by the appellant assailing the judgment passed by learned Single Judge dated 28.11.2025 in CWP-17831-2023, whereby writ petition filed by the appellant was dismissed.

2. Learned counsel appearing on behalf of appellant through Video Conferencing submitted that appellant joined Municipal Corporation as a Sweeper w.e.f. 23.08.1987 and retired from services on attaining the age of superannuation on 22.08.2017. The State of Punjab implemented the pension rules i.e. Punjab Municipal Corporation Employees Pension and General Provident Fund Rules, 1994 w.e.f. 01.04.1990, under which as per provision of Rule 1(3) read with Rule 3, employees of the Corporation who were working immediately before 01.04.1990 and who were working after the aforesaid date, shall have



option to opt for these rules within a period of four months from the date of publication of these rules. However, those employees who were appointed after 01.04.1990 were automatically covered under the aforesaid pension scheme. He submitted that it is not in dispute that appellant did not submit any kind of option within the aforesaid period of four months.

3. He further submitted that after retirement of the appellant, he submitted his option in the year 2022, which was declined on the ground of delay. The prayer of appellant before learned Single Judge was that his case was covered by another judgment of this Court in ***Davinder Singh and others Vs. State of Punjab and another (CWP-18381-2003, decided on 19.04.2010)***. He submitted that in the aforesaid judgment, it was so held by learned Single Judge which was upheld by Division Bench that even if during the aforesaid period of four months, option was not exercised by employee of the Municipality, still the benefit of exercise of option was given. Therefore, case of the present appellant is covered by the aforesaid judgment.

4. He also submitted that another reason as to why he could not exercise the option was that he was not aware of the aforesaid rules which were made in the year 1994 and on that ground also judgment passed by learned Single Judge is liable to be set aside.

5. We have heard learned counsel for the appellant appearing through Video Conferencing.

6. The undisputed facts of present case are that appellant was appointed as a Sweeper in the year 1987 and he retired in the year 2017.



The relevant portion of the Rules called Punjab Municipal Corporation Employees Pension and General Provident Fund Rules, 1994 is reproduced as under:-

“1. Short title and commencement and application. –

(1) xxx xxx xxx

(2) xxx xxx xxx

(3) *They shall apply to the employees of the Corporations, –*

(i) who are appointed on or after the first day of April, 1990 on whole time regular basis; and

(ii) who were working immediately, before the first day of April, 1990 on whole time regular basis and opt for these rules:

Provided that the employees who were working immediately before the first day of April, 1990 and who retired during the period between the first day of April, 1990 and the date of publication of these rules in the Official Gazette, shall have the option to opt for these rules within a period of four months from the date of publication of these rules, subject to the condition that they shall have to refund the Corporation’s contribution towards their Contributory Provident Fund including interest thereon received by them together with simple interest on the whole amount at the rate of ten per cent per annum from the date of withdrawal to the date of repayment.

(4) xxx xxx xxx

3. Exercise of option. - *(1) The option under clause (ii) of sub-rule (3) of Rule 1 to elect to be governed by these rules, shall be exercised in the Form appended to these rules so as to reach the competent authority within a period of four months from the date of publication of these rules in the Official Gazette :*



Provided that, -

(a) in the case of an employee who on the date of publication of these rules was on leave, the option shall be exercised within a period of four months from the date of joining his duty after returning from leave;

(b) where an employee is under suspension on that date, the option shall be exercised within a period of four months from the date he joins his duty; and

(c) in case of an employee, who dies without exercising his option within the stipulated period, he shall be deemed to have opted for these rules;

(2) The employees, who opt for these rules, shall cease to avail the benefit of Contributory Provident Fund and the employees who opt out of these rules, shall continue to avail the benefit of Contributory Provident Fund.”

7. As per the aforesaid rules, there was a provision for opting for pension and four months were granted to the employees at that point of time. Many of the employees opted for the aforesaid pension scheme and many of them did not opt in different Municipal Corporations and Municipal Councils within the State of Punjab. Some of the employees in the year 2003 filed writ petition titled ***Davinder Singh and others Vs. State of Punjab (supra)***, which was allowed by learned Single Judge, whereby it was held that more time be granted for exercising of the aforesaid option of opting for pension. However, in the aforesaid judgment, petitioners of that case were still in service and they filed writ petition in the year 2003 i.e. after about seven years of coming into force of the aforesaid rules of 1994. It was because of one of these reasons that learned Single Judge granted the benefit and the same was upheld by



learned Division Bench.

8. During the arguments, learned counsel for the appellant submitted that in the aforesaid judgment in ***Davinder Singh's case (supra)***, only one of the petitioners was in service but remaining had retired. Be that as it may, aforesaid writ petition was filed after about nine years of the coming into force the aforesaid rules of 1994.

9. Learned Single Judge in impugned judgment has dismissed the petition of the appellant on the ground of delay and laches. In the present case, appellant is now seeking benefit on the basis of aforesaid judgment in ***Davinder Singh's case (supra)*** after about 30 years of the aforesaid time period. Not only this, he already stood retired in the year 2017 and only preferred the aforesaid writ petition after six years of his retirement.

10. We are of the considered opinion that there is no error in the judgment passed by learned Single Judge. The aforesaid delay of about 30 years is unexplained and especially after the retirement of appellant, he filed writ petition after about six years by taking the plea that in the aforesaid judgment in ***Davinder Singh's case (supra)***, benefit was granted. No such benefit can be granted to the present appellant after the filing of writ petition after about 30 years of coming into the force of aforesaid rules. The argument which was raised by learned counsel for the appellant before this Court that he was not aware of the rules is also liable to be rejected. It appears to be an afterthought that after about 30 years, now he has come to know that there were some rules in the year 1994 with regard to which he was required to exercise an option.



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11. It will not be out of place to note here that at the time when aforesaid rules were made in the year 1994, when option was given to various employees of Municipalities, they had either opted or not opted at that point of time, according to their own calculation as to which scheme will be beneficial to them. There were many employees who did not opt because this new scheme was not beneficial to them and there were some employees who opted for them which according to them was beneficial. After having not opted by the appellant, now after about 30 years he cannot be permitted to change the option on the ground that he was not aware of the rules.

12. In view of the aforesaid facts and circumstances, this Court is of the considered view that there is no ground for interference in the present Letters Patent Appeal and the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

(AMARJOT BHATTI)
JUDGE

04.05.2026
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No