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

1)		CWP-16475-2026	
		Date of decision: 25.05.2026	
	Harmeet Kaur		Petitioner
		Versus	
	Union of India and others		...Respondents

2)		CWP-16623-2026	
	Kulwant Singh		Petitioner
		Versus	
	Regional Provident Fund Commissioner and another		...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankit Midha, Advocate
for the petitioner (in CWP-16475-2026).

Mr. Amit Sharma (Kanav), Advocate,
Ms. Shivani Sharma, Advocate and
Ms. Jaskiran Kaur Basi, Advocate
for the petitioner (in CWP-16623-2026).

Mr. Rajesh Hooda, Advocate
for respondents No.2 to 4 (in CWP-16475-2026) and
for respondent No.1 (in CWP-16623-2026).

HARPREET SINGH BRAR, J. (ORAL)

1. With the consent of parties, this common order shall dispose of the
aforementioned civil writ petitions as they arise from a similar factual matrix.

However, for the sake of brevity, the facts are taken from CWP-16475-2026.

2. The present petition has been filed under Articles 226/227 and
Article 300-A of the Constitution of India for issuance of a writ in the nature
of *certiorari* for quashing the conditions 6 & 7 of the Joint Declaration Form



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prescribed by the respondents as a pre condition for exercising joint option under Para 11(4) of Employees Pension Scheme, 1995. Further, for issuance of a writ in the nature of *mandamus* directing the respondents to treat the petitioner(s)' validly exercised joint option dated 15.05.2023 for higher pension under EPS, 1995 (Annexure P-3) and also to pay interest @ 8% per annum on all arrears of pension from the date of retirement till the actual date of payment as well as to calculate the amount of interest payable by the petitioner on the contribution on salary exceeding wage ceiling, upto the date of retirement of the petitioner in view of the circular dated 18.01.2025 (Annexure P-6).

3. Learned counsel for the petitioner(s) *inter alia* contends that the petitioner(s) retired as Senior Assistant from respondent No.5 on 30.04.2015. Pursuant to the judgment rendered by the Hon'ble Supreme Court in ***EPFO Vs. Sunil Kumar B. and others 2022 SCC Online SC 1521*** (Annexure P-4), the petitioner(s) exercised a joint option for higher pension on 15.05.2023 within the prescribed period as discernible from Annexure P-3. Respondent No.3 issued a demand letter on 24.02.2025 (Annexure P-5) quantifying the amount payable by the petitioner(s) towards higher pension contribution which demonstrates that her claim was accepted and processed. However, the demand letter was never served upon the petitioner(s). She merely received two generic SMS messages. The respondents have routed the communication through her employer. The last date for deposit as per the demand letter expired on 30.04.2025. The petitioner came to know about the demand letter in October, 2025 and submitted a representation on 16.10.2025 (Annexure P-7) requesting



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re-issuance of the demand letter and permission to deposit the amount, however, no decision has been taken.

3.2. He further submits that the eligibility of the petitioner(s) is not in question. The demand letter was never served upon the petitioner(s). The petitioner(s) is ready to deposit the amount in question along with the up-to-date interest and his case is squarely covered by the judgments rendered by this Court in CWP No.29633 of 2026 titled as ***Hazara Masih Vs. The Employees Provident Fund Organization and others*** decided on 09.10.2025 (Annexure P-9) and CWP No.1696 of 2026 titled as ***Hari Om and others Vs. Union of India and others*** decided on 23.01.2026 (Annexure P-10).

4. *Per contra*, learned counsel for respondents No.2 to 4 submits that learned counsel for the petitioner(s) is not in a position to controvert the fact that the petitioner(s) has approached the respondents within two months of the last extended date i.e. 31.08.2025 and as such, her case is squarely covered by the judgment rendered by this Court in CWP No.7181 of 2026 titled as ***Lakhwinder Masih and others Vs. The Employees Provident Fund Organization and others*** and connected matters decided on 21.04.2026 and submits that the claim of the petitioner would be examined in light of the said case.

5. In view of the stand taken by learned counsel for respondents No.2 to 4 and the fact that this Court in ***Lakhwinder Masih's case (supra)*** has considered the issue regarding granting one more opportunity to deposit the amount in question in terms of demand letter, the present petition is disposed of in light of ***Lakhwinder Masih's case (supra)***.



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6. This Court in ***Lakhwinder Masih's case (supra)***, has observed the following:-

“6. Having heard learned counsel for the parties and perusing the record, it transpires that the eligibility of the petitioners is not in dispute. The petitioners have submitted the joint offer in time pursuant to the demand notice (Annexures P-1 to P-4). They could not arrange the funds due to financial constraints and there is no denial of the fact that retirees do not have financial capabilities to arrange the demanded amount immediately upon receiving the demand notices and this Court is also agreeable to the arguments advanced by learned counsel for respondents No.1 to 5 with regard to deposit of the demanded amount within reasonable time.

7. To strike a balance between the rights of eligible pensioners and the administrative constraints of the respondent Corporation, this Court is of the considered view that any eligible pensioner who either approaches this Court or serves a legal notice upon the respondent Corporation within a period of six months from the last extended date, i.e., 31.08.2025, shall be deemed to have acted within a reasonable time frame. Such period of six months is held to be just, fair, and pragmatic, particularly for a retired individual, as it affords adequate opportunity to address objections and arrange the requisite funds as demanded pursuant to the notice issued by the respondents, whether on grounds of financial constraints or any other valid justification.”

7. In view of the discussion above, both the aforementioned civil writ petitions are disposed of with a direction to respondents No.2 to 4 to issue fresh



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demand notices to the petitioners within a period of six weeks from the date of receipt of a certified copy of this order. Upon issuance of the said demand notices, the petitioners shall deposit the demanded amount along with applicable interest within a further period of six weeks, thereafter.

8. A photo copy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

25.05.2026
Neha

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