

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2974-2011 (O&M)

SUKHRAJ KAUR

..Appellants

Versus

GURU NANAK DEV UNIVERSITY & ORS.

..Respondent

Reserved on: 10.02.2026
Pronounced on : 10.03.2026
Uploaded on : 11.03.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

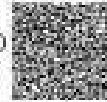
Present: Mr. B.S. Jaswal, Advocate
for the appellant.

Mr. M.K. Dogra, Advocate
for respondents No.1 and 2.

Mr. Gaurav Tangri, Advocate
for respondent No.3.

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 11.10.2008, passed by learned Civil Judge (Junior Division), Amritsar, whereby, the civil suit filed by the appellant for release of family pension and other pensionary benefits from the date of death of her husband along with interest was dismissed and judgment and decree dated 09.11.2010 passed by learned Additional District Judge, (ad hoc) Fast Tract Court, Amritsar, whereby appeal filed by the appellant against judgment and decree dated 11.10.2008 was also dismissed.

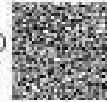
**BRIEF FACTS OF THE CASE**

2. Brief facts of the case as per the pleadings in the civil suit are that husband of appellant namely Satnam Singh was working with the respondents since 1987. His services were terminated vide order dated 15.02.1993. He challenged the termination order before Labour Court and Labour Court held termination order of Satnam Singh to be illegal and he was held entitled to reinstatement with continuity of service and also for 50% backwages vide order dated 26.04.2001. Husband of appellant namely Satnam Singh died on 15.02.2000 during the pendency of reference pending before the Labour Court. After death of her husband-Satnam Singh, appellant filed civil suit before learned Civil Judge (Junior Division), Amritsar, who vide its judgment and decree dated 11.10.2008 dismissed the civil suit filed by her. She filed appeal against the same, which was also dismissed by learned Additional District Judge (ad hoc) Fast Track Court, Amritsar vide its judgment and decree dated 09.11.2010. Hence, the present Regular Second Appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

3. Learned counsel for the appellant contends that both the Courts have failed to appreciate the fact that husband of appellant served respondents for almost 13 years and wrongly dismissed the civil suit as well as the appeal filed by the appellant. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for respondents contends that both the Courts have rightly dismissed the civil suit filed by the appellant as well as the appeal filed by her since her husband and she after the death of her

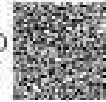


husband did not opt for pension scheme and as per the statute, wife could also opt for pension scheme.

5. They further contend that neither the appellant nor her husband ever exercised option to avail pension scheme, therefore, have rightly held to be not entitled to family pension, therefore, they pray that the present appeal be dismissed.

6. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.

7. Admittedly, Satnam Singh, husband of the appellant was working on the post of peon since 1987 upto 15.02.2000 i.e. when he died. The appellant appeared as PW-1 and in her cross-examination, she admitted that she received PF and gratuity after death of her husband Satnam Singh. She also admitted that she never deposited any form in the Office of Regional Fund Commissioner, Amritsar but she deposited pension papers with Harjinder Singh of Guru Nanak Dev University after one year from the death of her husband. She admitted that Guru Nanak Dev University is not covered under the Employees Provident Fund Act, 1952. She also admitted that she has not brought the award given by Labour Court in favour of her husband. She further admitted that she has received the entire payment in terms of award. She admitted that she filed application under Section 33(c) (2) of the Industrial Disputes Act, 1947 in the Labour Court for benefits of pension of her husband and the same was dismissed and she was not granted any pensionary benefit of her husband. She could not produce any document to prove that her husband ever opted for the pension scheme of Guru Nanak Dev University during his lifetime. Manohar Singh was examined as DW-1, who specifically deposed in his cross-examination that all the dues were paid



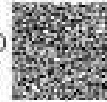
to appellant in accordance with award passed by Labour Court. He also deposed that they have never deducted provident fund of Satnam Singh- husband of the appellant and never deposited the money with the office of Employees Provident Fund Organization, Amritsar. He also deposed that husband of appellant was not member of Employees Provident Fund Organization and the university never deducted any amount of share of deceased (Satnam Singh) from his salary.

8. Baldev Singh was examined as DW-2, who deposed that husband of appellant is not member of employees provident fund and application dated 10.10.2006 was moved by respondent to know the EPF account number of Satnam Singh deceased husband of the appellant but no EPF account number was submitted by the appellant.

9. Now to decide whether the appellant is entitled to family pension, it would be apposite to reproduce relevant paras of pension statute of the respondent-University, which is reproduced as under:-

"1. A Pension fund to be called "The Guru Nanak Dev University Pension Fund", shall be established for the benefit of the employees eligible under these Statutes by creating a "Corpus" from the University share of C.P.F and the State Government will continue to provide to the University the C.P.F, matching contribution in the shape of annual grant-in-aid which will be added to this Fund. This shall come in Force on 1.4.1990. No additional grant shall be provided by the Punjab Govt.

2. All whole time paid employees who were beneficiaries under the existing scheme of C.P.F. (Contributory Provident Fund) except those appointed on contract basis, who on attaining the age of retirement indicated in the relevant statutes, on or after 1.4.1990 shall be entitled



to the benefit of Pension scheme including pre-mature retirement pension, commuted pension etc, and Family pension to eligible persons ion case of death of employee or on after 1.4.1990 if they opt for pension.

3. xx xx xx xx xx

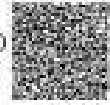
4. *Employees of the category mentioned at 2 above who joined the University before the date of issue of notification will be given an opportunity to exercise option and convey to the Registrar's office if they wish to continue under the C.P.F. scheme or to come over to Pension Scheme. Within stipulated period in the prescribed proforma. If no option is exercised by them within the stipulated period, such employees will be deemed to have opted for CPF Scheme. The existing Statue relating to CPF will remain operative for employees who opt to continue to be governed by the CPF Scheme.*

5. xx xx xx xx xx

6. xx xx xx xx xx

7. *In the case of CPF beneficiaries who were in service on 1.4.1990 but have since died, either before retirement or after retirement the case will be settled in accordance with para 5 to 6 above as the case may be. Option in such cases will be exercised by the widow/widower and in the absence of widow/widower by the eldest surviving member of the family who would have otherwise been eligible to the family pension under the Family Pension Scheme, if such schemes were applicable (i.e. on the pattern available in the Punjab Govt.).”*

10. Admittedly, husband of appellant Satnam Singh did not opt for pension during his lifetime, therefore, he was not entitled to any pension and as per the oral as well as documentary evidence on record, even the



appellant, who as per para 7 of the pension statute as reproduced above could apply/opt for but never opted for pension scheme, therefore, it is rightly held by both the Courts that appellant is not entitled to family pension.

11. Further, appellant has admitted that she has received provident fund after death of her husband and she never deposited any form under the EPF scheme and miscellaneous fund after getting verified from Guru Nanak Dev University to the office of Provident Fund Commissioner, Amritsar. She further admitted that she had already received the entire payment in terms of award of Labour Court.

DECISION

12. In view of the above, I do not find any infirmity and illegality in judgment and decree dated 11.10.2008, passed by learned Civil Judge (Junior Division), Amritsar and judgment and decree dated 09.11.2010 passed by learned Additional District Judge, (ad hoc) Fast Tract Court, Amritsar, the same are hereby affirmed.

13. Accordingly, the present appeal is **dismissed**. Parties are left to bear their own costs.

14. Decree sheet be drawn.

10.03.2026

Ayub/Sahil

(SUDEEPTI SHARMA)
JUDGE

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