

CWP-20535-2023

2026:PHHC:034476



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-20535-2023 (O&M)
Date of decision: 06.03.2026

Rajesh Vasudev and others

.....Petitioner

VERSUS

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Sanjiv Gupta, Sr. Advocate
with Mr. Rajeshwar Oswal, Advocate
for the petitioners.

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

Ms. Sidhi Bansal, Advocate with
Mr. Abhav Sharma, Advocate and
Mr. Parth Sharma, Advocate
for respondent No. 4.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of an appropriate writ, order or direction in the nature of *certiorari/mandamus* directing the respondents to grant the petitioners enhanced pension in terms of the option allegedly exercised by them and not to reduce the pension of the petitioners, pursuant to subsequent communications based on an alleged erroneous interpretation

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of the judgment rendered in ***Civil Appeal Nos.10013-10014 of 2016, R.C. Gupta and others Vs. Regional Provident Fund Commissioner, Employees Fund Organization and others*** and also to return the amount unlawfully deducted from their pension with effect from January, 2023 onwards, forthwith. Further it is prayed that respondents be restrained from reducing the pension of petitioners as well as from making any deductions from the enhanced pension in future.

2. Learned counsel for respondents No.2 and 3, at the very outset, submits that the averments made by learned counsel for the petitioners in paragraphs 4 and 5 of the writ petition are factually incorrect and misleading. It is contended that the petitioners have claimed that they had exercised their option, deposited the requisite amount and their pension was enhanced on the basis of actual salary, which was subsequently withdrawn. On the basis of these incorrect pleadings, the petitioners were able to obtain an interim stay in their favour. However, learned counsel submits that the petitioners are pre-retirees of the year 2014 and that prior to their retirement they had not exercised any option in terms of the second proviso to paragraph 11(3) of the Employees' Pension Scheme, 1995. Learned counsel further submits that the petitioners have not approached this Court with clean hands. Therefore, the present petition deserves to be dismissed with exemplary costs, as the same amounts to a misuse and abuse of the process of law. In support of the said contention, reliance can be placed upon the judgment passed by the Hon'ble Supreme Court in ***V. Chandrasekaran and***

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Anr. Versus Administrative Officer and Ors 2012 (4) RCR (Civil) 588, wherein it was held that a litigant who suppresses material facts or approaches the Court with unclean hands is not entitled to any equitable relief under the extraordinary writ jurisdiction of the High Court.

3. In rebuttal, learned counsel for the petitioners places reliance upon letters (Annexures P-1 and P-2) and submits that the Employees Provident Fund Organization had addressed a communication dated 10.07.2017 (Annexure P-1) to the employer of the petitioners and another letter dated 03.05.2019 (Annexure P-2) to petitioner No.3, Sh. Ajay Singhal, in response to the option form submitted under Para 11(3) of the Employees' Pension Scheme, 1995. It is contended that the respondents themselves carried out the requisite calculations and called upon the petitioners to deposit the determined amount. In view thereof, the allegation raised by the respondents that the petitioners had misled this Court is wholly unfounded, baseless and deserves to be rejected.

4. Admittedly, the petitioners are pre-retirees of year 2014 and prior to their retirement, petitioners did not exercised their option in terms of proviso 2 paragraph 11(3) of the Employees Pension Scheme, 1955.

5. Be that as it may, the controversy involved in the present case is squarely covered by the judgments rendered by Hon'ble Supreme Court in *Employees Provident Fund Organization Vs. Sunil Kumar B' 2022 INSC 1171* and *Powergrid Retired Employees' Association (Prea) Vs. Union of India Writ Petition(s)(Civil) Nos.97-2025* and judgments passed by this

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Court in ***CWP-35154-2024 and connected cases***, titled as ***Om Parkash and others Versus Union of India and others***, decided on 24.09.2025 and ***CWP-32035-2025***, titled as ***Ram Nath and others Versus Union of India and others***, decided on 30.10.2025. It may also be noticed that the judgment rendered by this Court in ***Ram Nath's case (supra)*** has also been affirmed by a Division Bench of this Court in ***LPA-3764-2025*** titled ***Ram Nath and others Versus Union of India and others***, decided on 24.12.2025. Relevant extract thereof be reads as under:-

“3. Relying upon the aforesaid facts, the learned Single Judge dismissed the claim of the petitioners on the ground that within the permissible period i.e. up to 01.09.2014, none of the petitioners had exercised any option, and that after the said cut-off date, it was not open to them to do so.

4. Though learned counsel for the appellants attempted to distinguish the case on the ground that the judgment in Sunil Kumar B. (supra) is not applicable, we are not persuaded to accept such contention. We find that the findings recorded in paragraph 8, read together with the observations of the Supreme Court in paragraph 44, clearly foreclose any avenue available to the appellants to exercise the option after the cut-off date.

5. In that view of the matter, the instant appeal fails and is accordingly dismissed.”

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6. In view of the above discussion, and in light of the settled legal position governing the field, this Court finds no merit in the present writ petition. Accordingly, the present petition is dismissed in terms of the judgment rendered in *Om Parkash's case (supra)*.

7. Pending miscellaneous application(s), if any, shall also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

March 06, 2026

P.C

Whether speaking/reasoned. : Yes/No

Whether Reportable : Yes/No