

CWP-26348-2024

2026:PHHC:036605



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision: 10.03.2026

Hawa Singh and another

.....Petitioners

VERSUS

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Jasbir Singh Ahlawat, Advocate
for petitioner No.1-Hawa Singh.

None for petitioner No.2.

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

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has been filed under Articles 226 of the Constitution of India seeking issuance of an appropriate writ, order or direction in the nature of *mandamus* directing the respondents to ensure compliance of the approval granted by respondent No.1 vide letter dated 16.03.2017 (Annexure P-17) and sanction letter dated 23.03.2017 issued by respondent No.2 (Annexure P-18) to all Zonal and Regional Provident Fund Commissioners and decision jointly taken in the meeting held on 24.01.2018 (Annexure P-20) for compliance of order passed by Hon'ble Supreme Court in *Civil Appeal Nos.10013-10014 of 2016*, dated 04.10.2016 (Annexure

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P-12). Further praying for issuance of a writ in the nature of *certiorari* for setting aside the unilateral and arbitrary refund of deposited amount in the bank account of other employees dated 03.06.2020 (Annexure P-37).

2. Mr. Jasbir Singh Ahlawat, Advocate has put in appearance on behalf of petitioner No.1-Hawa Singh and has also filed Power of Attorney on his behalf, which is ordered to be taken on record. Registry is directed to place the same at an appropriate place.

3. Learned counsel for the petitioner-Hawa Singh, *inter alia*, contends that the petitioners are entitled to the revision of their pension based upon the judgment rendered by Hon'ble Supreme Court in ***Civil Appeal Nos.10013-10014 of 2016, R.C. Gupta and others Vs. Regional Provident Fund Commissioner, Employees Fund Organization and others***, (Annexure P-12) wherein it was held that all the employees are entitled for revision of pension irrespective of the fact that such option was given during service or not. Respondent No.2 issued instructions on 23.03.2017 (Annexure P-23) in compliance of the aforesaid judgment (Annexure P-12). The petitioners submitted their option for revision of pension and the amount deposited by some of petitioners was credited back to their saving bank as discernible from order dated 03.06.2020 (Annexure P-37). For redressal of their grievance, petitioners had also sent legal notice dated 22.06.2020 (Annexure P-38) but the same remained unheeded.

4. On the other hand, learned counsel for the respondents submits that the petitioners are pre-retirees of year 2014 and prior to their retirement

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they have not admittedly exercised their option in terms of the second proviso to paragraph 11(3) of the Employees' Pension Scheme, 1995.

5. 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.

6. 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 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.

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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.”*

7. 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)***.

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

(HARPREET SINGH BRAR)
JUDGE

March 10, 2026
Jitender/P.C

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