



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

CWP-38820-2025

Date of decision: 19.01.2026

Karamjit Singh

....Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankit Midha, Advocate
for the petitioner.

Mr. Samir Rathaur, Advocate
for respondents No.2 to 4.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to treat the Joint Option Form submitted vide letter dated 18.12.2017 (Annexure P-1) as valid and binding and to fix/re-fix the petitioner's pension on higher wages with effect from the date of retirement i.e. 30.06.2015 along with all arrears and interest @ 9% per annum. Further, for issuance of directions to the respondents to grant permission for submission of Joint Option Form for upgraded pension under erstwhile para 11(3) and para 11(4) of Employees' Pension Scheme, 1995 sought vide letter dated 04.08.2025 (Annexure P-13).

2. Learned counsel for the petitioner *inter alia* contends that the petitioner who retired on 30.06.2015 had been contributing to the EPS on actual wages exceeding the statutory ceiling. His employer submitted a Joint Option Form for pension on higher wages on 18.12.2017 (Annexure P-1). Post the



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judgment of the Hon'ble Apex Court in '*The Employees Provident Fund Organization and another etc. Vs. Sunil Kumar B. and others*' 2022 SCC Online SC 1521, an attempt was made to submit joint option through online mode but it was not accepted due to Aadhar-UAN mismatch. Despite immediate request for correction by the EPF authorities in May, 2023 (Annexures P-5 & P-6), the error was not rectified by the employer until 17.07.2025 by which time, the online portal for submission had closed. He further submits that the case of the petitioner is squarely covered by the judgment rendered by the Hon'ble Supreme Court for pension on higher wages. The petitioner was prevented from his rightful claim within the extended deadline solely due to the lapse and inaction of respondent No.5 (employer) in correcting the Aadhar Card error. As such, denying him the benefit for no fault of his own is arbitrary and violates his right to pension.

3. Learned counsel for respondents No.2 to 4 submits that the claim of the petitioner cannot be entertained as the extended deadline for submitting the online option has expired and the online portal for submission has already been closed. However, he could not controvert the fact that the petitioner's eligibility is not in question and that the petitioner had been contributing to the EPS on actual wages exceeding the statutory ceiling.

4. Having heard learned counsel for the parties and upon perusal of the record of the case, it transpires that the online option was submitted within the deadline fixed by the EPFO authorities in terms of the judgment of the Hon'ble Supreme Court in *Sunil Kumar B.'s case (supra)*, but the same was

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not accepted due to incorrect Aadhaar particulars of the petitioner sent by respondent No.5. Respondents No.2 to 4 had issued letters in May 2023 (Annexures P-5 and P-6) for rectification of the error. However, the employer of the petitioner i.e. respondent No.5, failed to act within the stipulated period. As such, the inadvertent mistake committed by respondent No.5 cannot deprive the petitioner of his right to pension, especially when he had been contributing to the EPS on actual wages exceeding the statutory ceiling.

5. In view of the above, the present civil writ petition is disposed of with a direction to respondent No.5 to submit the correct particulars of the petitioner to respondents No.2 to 4 within a period of six weeks. Respondents No.2 to 4 are further directed to consider the claim of the petitioner and pass an appropriate order in accordance with law, fixing the pension of the petitioner on higher wages from the date of his retirement along with arrears. However, the petitioner shall not be entitled to any interest and this order shall not be treated as a precedent for other cases involving non-submission of the option within the stipulated period.

(HARPREET SINGH BRAR)
JUDGE

19.01.2026*Neha*

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