

**(2025) 12 P&H CK 0023**

**Punjab And Haryana HC**

**Case No:** Civil Writ Petition No. 31375 Of 2025 (O&M)

Ashok Kumar Gupta

APPELLANT

Vs

Board Of Trustees Of The  
Employees Provident Fund  
Organisation And Others

RESPONDENT

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**Date of Decision:** Dec. 4, 2025

**Acts Referred:**

- Constitution Of India, 1950-Article 226

**Hon'ble Judges:** Harpreet Singh Brar, J

**Bench:** Single Bench

**Advocate:** Balwinder Singh Sudan, Rajesh Hooda, Vishawjeet Singh

**Final Decision:** Disposed Of

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### **Judgement**

Harpreet Singh Brar, J

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to complete the process for the release of higher pension to the petitioner under the Employees' Pension Scheme, 1995 (Annexure P-1) and pay the arrears thereof with interest @ 10% per annum.

2. Learned counsel for the petitioner inter alia contends that the petitioner is a retired employee of Punjab Financial Corporation. The petitioner submitted a joint option on 10.02.2023 (Annexure P-5) for contributing to EPS on his actual salary to receive a higher pension under the pension scheme. He further submits that respondent No.3 being employer of the petitioner and other identically circumstanced employees has sent the data of 138 employees including the petitioner to respondent No.2. Although, the other pensioners received demand letters for differential contribution in March, 2025 but the petitioner has not received the demand notice.

3. Learned counsel for respondents No.1 and 2 submits that till date the employer of the petitioner i.e. respondent No.3, has not submitted the joint option to EPFO. He further submits that the

EPFO can process the higher pension claim only on receipt of the online joint option submitted through the employer and until such submission is made, the EPFO cannot take further action.

4. Learned counsel for respondent No.3, however, supports the claim of the petitioner and submits that the petitioner, along with 136 other employees, physically submitted the joint option on 21.02.2023.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. There is no denial to the fact that other identically circumstanced pensioners have received the demand letters for differential contribution in March, 2025 but the petitioner has not received the demand notice. The claim of the petitioner is not processed on the premise that joint online option has not been submitted by him till date and further, the portal on which the online options were submitted is not operational anymore. Moreover, the petitioner's eligibility is not, in question, merely because respondent No.3 has not taken active steps to submit the joint option through online portal and rather they have submitted it via physical mode. As such, there is a lapse on the part of respondent No.3.

7. Keeping in view the fact and circumstances of the case, especially when the identically circumstanced more than 100 employees have received the demand letters for differential contribution in March, 2025, the petitioner cannot be deprived of his right to be considered under the EPS Scheme for enhanced pension.

8. Accordingly, the present petition is disposed of and respondent No.3 is directed to submit a fresh joint option in physical form to respondent No.2 within a period of two weeks from the date of this order. Upon receipt of the same, respondent No.2 shall process the joint option and issue a demand notice to the petitioner within a period of four weeks thereafter. The petitioner shall be granted four weeks time from the date of receipt of the demand notice to deposit the differential contribution, if any.

9. It is made clear that this order is confined to the facts of the present case and shall not be treated as a precedent for other employees who have not actively pursued their claims for higher pension.