

(2012) 03 P&H CK 0109

High Court Of Punjab And Haryana At Chandigarh

Case No: C.W.P. No. 15155 of 2011

National Institute of Technology
Faculty Forum, Jalandhar and
another

APPELLANT

Vs

Union of India, Ministry of
Human Resource and
Development and others

RESPONDENT

Date of Decision: March 28, 2012

Acts Referred:

- Central Civil Services (Pension) Rules, 1972 - Rule 29

Hon'ble Judges: K. Kannan, J

Bench: Single Bench

Final Decision: Allowed

Judgement

K. Kannan, J.

The matter addressed in this writ petition has already been a subject of disposal in C.W.P. No. 4262 of 2006 and batch of cases. The operative part of the said judgment is reproduced as under:

In respect of such persons, who were contributory to CPF and who have also withdrawn the benefits, they could be given an option to re-deposit the amount drawn by them with interest @ 12% per annum within a specified period and all such persons, who exercise such option shall be admitted to the pension scheme of the Central Civil Services (Pension) Rules, 1972. Since all the persons, who may stand to benefit through this order, may not be before this Court as parties, I would direct the National Institute of Technology at Kurukshetra to publish a circular in newspapers as well as by personal communication calling upon all the employees to exercise the option before a particular date to express option for the pension scheme within a period of 3 months and extend the Central Pension Scheme, 1972 to all such persons, who exercise the option.

The learned Senior Counsel appearing on behalf of the respondent states that there is an acute financial implication assessing out the claim for pension and this shall not be applied to persons, who have already released their Contributory Provident Fund at the time of retirement. While financial constraints are always relevant for prescribing a cut off date, if the Rule 29 of the Statute provides expressly for pension to be paid to the persons, who have retired before 01.01.2004 to be governed by the Central Pension Scheme of 1972, it must be taken that what has been provided under Statute is not denied in any way and the only protection that should be given is in the manner already done by this Court in the order allowing for an option to be exercised within a particular date that may be prescribed by the respondent and college. The same order shall prevail for the petitioners in this case and against the respondents.

2. The writ petition is allowed on the above terms.