(2012) 08 P&H CK 0238

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 20186 of 2011 (O and M)

Babu Ram — APPELLANT

Vs

UHBVN Ltd. and Others — RESPONDENT

Date of Decision : 28-08-2012

Acts Referred:

Citation : (2013) 3 SCT 643

Hon'ble Judges : Rakesh Kumar Garg, J

Bench : Single Bench

Advocate : J.K. Goel, for the Appellant; Narender Hooda with Mr. Mohnish Sharma, for the Respondent

Final Decision : Disposed Off

Judgement

Rakesh Kumar Garg, J.—The present petition has been filed by the petitioner seeking issuance of a writ in the nature of mandamus, directing the respondents to count the period of his work-charge service for the purpose of pensionary benefits. In the written statement filed on behalf of the respondents, it has been averred as under:--

That the contents of paras 7 to 9 of the writ petition are wrong and hence vehemently denied. In reply thereto it is submitted that earlier since the matter regarding exercise of option/counting of work-charged service for the purpose of payment of pensionary benefits was pending before the Hon''ble Apex Court, therefore, the case of the petitioner for counting of work-charged service for the purpose of pensionary benefits was not finalized inspite of the fact that the petitioner retired from the service of the respondent- Nigam w.e.f. 30.11.2004 on attaining the age of superannuation. However, after the decision of the Hon''ble Supreme Court in the case titled as DHBVN v. Bachna Singh reported as 2010 Vol-I, RSJ 274 where the Hon''ble Supreme Court was pleased to held that an employee is entitled for the benefit of work-charged services for the purpose of pension and pensionary benefits, the cases of the eligible employees was being taken up immediately. However, in the case of petitioner, instead of depositing an amount of Rs. 22,104/- as Employer''s share with interest w.e.f. 1980 to December, 2011, the petitioner filed an affidavit with the respondent-Nigam stating that in his case EPF amount with interest comes to Rs. 22,104/- and the amount of EPF may be deducted from his pensioner''s account. The true translated copy of the affidavit dated 18.11.2011 submitted by the petitioner is attached herewith as Annexure R-2/1. As in these cases, the employee/petitioner is required to refund the EPF share of employer withdrawn by him for the purpose of counting the work-charged service for payment of revised retiral benefits, therefore, the office of Executive Engineer, Sub Urban Division No. 1, UHBVN, Karnal vide its office memo dated 25.11.2011 duly requested the petitioner that the amount of EPF contribution withdrawn by the petitioner is 22,104/- with interest which is of the period from 1968 to 1979 and therefore the petitioner was directed to deposit the employer share with interest in the office of the respondent-Nigam so that further necessary action may be taken in his case. The true translated copy of the office letter dated 25.11.2011 is attached herewith as ANNEXURE R-2/2. The photocopy of the detail of Rs. 22,104/- recoverable from the petitioner on account of Board share of EPF is attached herewith as ANNEXURE R-2/3. The office letter was written to the petitioner in pursuance to the office letter dated 21.10.2011 written by the office of EPF, Sector 12, Karnal in which alongwith the details of the other employees the employer''s share of the petitioner i.e. Rs. 1044.50 Paise out of total amount of Rs. 2089/- was also communicated to the office of the respondent-Nigam. It is most humbly submitted that the petitioner may be directed to deposit an amount of Rs. 22,104/- with the respondent-Nigam as in the absence of the same it is not possible to finalize the case of the petitioner by the accounts office of respondent No. 2 and also by the office of Chief Accounts Officer-respondent No. 3 as the same is against the Nigam''s Rules and instructions. It is further submitted with utmost respect to this Hon''ble Court that in case the petitioner still deposits Rs. 22,104.08 Paise with the respondent-Nigam as EPF amount of the Board''s share, the respondents are willing to finalize the case of the petitioner for counting of work-charged service period for the purpose of retiral benefits and the payment of the revised retiral benefits within a period of one month.

2. Thus, the respondents have stated that in case the petitioner deposits a sum of Rs. 22,104.08 Paise with the respondent-Corporation, as EPF amount of the Board''s share, they are willing to finalise the case of the petitioner for counting of his work-charge service period for the purpose of retiral benefits and the payment of the revised retiral benefits.

3. Counsel for the petitioner has stated that the said amount shall be deposited by the petitioner within 30 days from today.

4. In case the said amount is deposited, as aforesaid, the respondents shall finalize the case of the petitioner for counting of his work-charge service period for the purpose of retiral benefits within two months, thereafter and shall release

such retiral benefits within a period of two months, thereafter. The petition is disposed of.

