

(2022) 06 SHI CK 0015
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 1109 Of 2021

Hirday Ram And Others

APPELLANT

Vs

Regional Provident Fund Commissioner, Employees Provident
Fund Organisation And Others

RESPONDENT

Date of Decision : 13-06-2022

Acts Referred:

Citation : (2022) 06 SHI CK 0015

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : P.D. Nanda, Raman Sethi, Vinod K. Thakur

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

CMP No. 7024 of 2022

1. Having heard learned Counsel for the applicants, this application is allowed as prayed for.

CWP No. 1109 of 2021

2. With the consent of learned Counsel for the parties, the case was taken up for consideration today itself.

3. By way of this petition, the petitioners have prayed for the following substantive reliefs:-

“(i) The respondents may kindly be directed either to pay them the full pension as admissible under the Pension Scheme of 1999 or the EPF pension be restored from the date the payment of the same was stopped in May, 2005.

(ii) The respondents may be directed to pay interest @ 9% PA on the amount of EPF pension from 01.05.2005 till actual payment.

(iii) The respondent may also be directed to pay them regularly eight the EPF pension by the RPFC or the respondent Corporation shall not affect recovery of EPF Pension from the pension payable to them under Pension Scheme 1999.”

4. The contention of the petitioners is that by the factum of their having superannuated in between 01.04.1999 to 02.12.2004, they are entitled to pension computable in terms of Central Civil Services (Pension) Rules, 1972 as per the notification issued by the government dated 29.10.1999 Annexure P-1. Their grievance is that the pension which presently is being paid to them, is being paid by deducting the quantum of the amount which they are entitled to receive under the Employees Provident Fund Scheme but respondent No. 1 is also not paying them the amount of said Fund, which is being deducted from their pension by respondent No. 2.

5. Mr. Raman Sethi, learned Counsel for respondent No. 1, while drawing the attention of the Court of Annexure P-5 appended with the petition, has submitted that it is not as if respondent No. 1 on its own has stopped disbursal of EPF to the petitioners but this is on account a request which has been received from the petitioners by respondent No. 1, as is evident from Annexure P-5 appended with the petition. He further submitted that respondent No. 1 also made an enquiry in this regard from respondent No. 2 and it was informed by respondent No. 2 by way of communication dated 22.02.2020 (Annexure R1/C) that said act of the petitioners was voluntary.

6. Be that as it may, the fact of the matter is that the petitioners are entitled to the pension in terms of CSP Scheme as well as the benefits under the EPF but the benefits which they are entitled under EPF scheme have to be deducted from the sum total of their pension, qua which, there is no dispute between the parties, including respondent No. 2. As it is only Annexure P-5 which is coming in the way of respondent No. 1 in releasing the requisite amount, as is payable to the petitioner under EPF Scheme, it is ordered that from the month of July, 2022, said amount be paid regularly by respondent No. 1 to the petitioners by ignoring Annexure P-5 for all purposes as agreed, subject to the petitioners fulfilling codal formalities within a period of two weeks from today. As far as arrears are concerned, let the same be disbursed to the petitioners within a period of two months from today.

With these directions, the petition stands disposed of. Pending miscellaneous application(s), if any, also stand disposed of accordingly.