



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CWP No. 5494-2025

Date of Decision : 27.02.2025

Avinash Chander Vaid

...Petitioner

Versus

Regional Provident Fund Commissioner and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Khushboo Sharma, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

1. The petitioner through this instant petition under Articles 226/227 of the Constitution of India is seeking to redress his grievance by setting aside order dated 01.07.2024 (Annexure P-8) by which, respondents have substantially reduced pension payable to the petitioner under Employees' Pension Scheme, 1995.

2. Learned counsel for the petitioner submits that respondents have wrongly reduced the pension which is payable to petitioners as per Employees' Pension Scheme, 1995. The counsel further submits that their case is squarely covered by judgment of this Court in '*Inderjit Singh Kaknani and others Vs. Union of India and others*', (2024) SCC OnLine P&H 12076.

3. Notice of motion.

4. Mr. Rajesh Hooda, Advocate, who is present in Court, accepts notice on behalf of the respondents No. 1 to 3-EPFO.



5. Learned counsel for the respondents submits that case of petitioner *qua* applicability of judgments of Supreme Court in '***R.C. Gupta and others Vs. Regional Provident Fund Commissioner Employees Provident Fund Organization and others***', (2018) 14 SCC 809 and '***Employees Provident Fund Organization Vs. Sunil Kumar B.***' 2022 SCC ***OnLine SC 1521*** stands covered by judgment of this Court in ***Inderjit Singh*** (Supra). However, petitioner is not eligible to enhanced pension unless and until he removes the defects that have been pointed out by Competent Authority.

6. On being asked by this Court, Mr. Rajesh Hooda, Advocate pointed out that Management during the period 2001-2004 had deposited 10% of salary instead of mandatory requirement of 12% in the Provident Fund. Therefore, the College Management and petitioner are bound to deposit the differential amount with the authority concerned along with interest. Learned counsel for the respondents further points out that there are further objections with respect to sudden increase in the salary of the petitioner prior to his retirement and, therefore, the petitioner is bound to explain the reasons of sudden increase in his salary.

7. The counsel for the petitioner submits that the petitioner would cure/remove all the defects which have been pointed out to be removed by the respondents in the impugned notices as well as reply to this writ petition and as for the submission of counsel for the respondents that there is a differential amount that needs to be deposited on account of depositing 10% of salary instead of 12% in Provident Fund, the petitioner asks this Court that



the respondents may be directed to quantify differential amount along with interest so that petitioner may do the needful.

8. In the wake of statement of both the sides, the petition stands disposed of with a direction to respondent to quantify the amount payable by petitioner/Management with respect to the period 2001-2004. The said exercise shall be completed within 6 weeks from today. The petitioner shall deposit differential amount along with interest within 4 weeks thereafter. The petitioner shall further clarify all the queries which are pointed out in the impugned notices/orders and reply to writ petition. The Management/College shall also co-operate with the Authorities and submit available record. The benefit available to petitioner would not be denied on account of any lapse on the part of Management/College.

9. Disposed of accordingly.

February 27, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No