



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

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**CWP-25386-2025 (O&M)  
Date of decision: 29.08.2025**

Hardial Singh and others

....Petitioners

Versus

Union of India and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Raj Kaushik, Advocate  
for the petitioners.

Ms. Jyoti Choudhary, Advocate  
for Mr. Abhinandan Sekhri, Advocate  
for the respondents.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *mandamus*, directing the respondents to divert contributions made by the petitioners to the Employees Pension Scheme, 1995 w.e.f. 16.11.1995, on the basis of actual wages drawn, etc. without any upper cap with regard to the petitioners in view of the settled law and then grant the arrears @ 18% per annum.

2. Learned counsel for the petitioners, *inter alia*, contends that some of the employees of respondent No.6, have been granted the benefit of revised pension, who have submitted their option even after their retirement. As such, the petitioners are also entitled to the relief, claimed by similarly situated employees as this Court in **CWP No.5378**



of 2024 and other connected cases, titled as ***Inderjit Singh Kaknian and others vs Union of India and others***, decided on 12.09.2024, has categorically held that the employees who retired from service prior to 01.09.2014, without exercising an option under the un-amended para 11(3) of the Employees Pension Scheme, 1995, filed an option after the judgment in ***R.C. Gupta vs Regional Provident Fund Commissioner Employees Provident Fund Organization, (2018) 14 SCC 809***, and whose options were accepted by the authorities, are entitled to enhanced pension benefits. He further submits that the case of the petitioners is squarely covered by the decision of this Court in ***Inderjit Singh Kaknian's case (supra)***. He further contends that the Division Bench of this Court in **CWP No.14622 of 2023** and other connected cases, titled as ***Employees Provident Fund Pensioners Welfare Association vs Union of India and others***, decided on 28.03.2025, has already directed the Provident Fund Authorities to consider the case of each employee individually and pass a speaking order after hearing all the concerned persons. Learned counsel for the petitioners further submits that he would be satisfied in case a direction is issued to respondent – Provident Fund Authorities, to consider the claim of the petitioners and pass a speaking order in terms of the judgment rendered by this Court in ***Inderjit Singh Kaknian's case (supra)***.

3. Learned counsel for the respondents, appearing on advance notice, submits that she could not controvert the fact that the Division Bench of this Court in ***Employees Provident Fund Pensioners Welfare***



*Association's case (supra)*, has already directed the Provident Fund Authorities to consider each employee's case individually and pass a speaking order after affording an opportunity of hearing. The respondents undertake to consider the claim of the petitioners in light of the aforesaid judgments.

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

4. In view of the limited prayer made by learned counsel for the petitioner, the present petition is disposed of with a direction to respondents No.3 and 4 – Provident Fund Authorities to consider and decide the claim of the petitioners and pass a speaking order strictly in terms of the judgments passed by this Court in *Inderjit Singh Kaknian's case (supra)* and *Employees Provident Fund Pensioners Welfare Association's case (supra)*, within a period of four months from today, after affording an opportunity of hearing to the petitioners. Further, the decision taken thereof shall be conveyed to the petitioners. Needless to say, if the petitioners are found entitled to the relief sought, the same shall be granted to them forthwith.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**29.08.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No