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

**CHANDIGARH**

CWP No 22250 of 2013

Ashok Kumar Ghai and others

……Petitioners

Versus

The Employees Provident Fund Organisation and others …….Respondents

Short reply by K.R.Sharma Chief Manager(P&A) Haryana Seeds Development Corporation on behaif of respondent no.3.

Respectfully Showeth:-

1. That the petitioners have prayed for qushing the order dt. 07.03.2013 (annexure P-1) issued by respondent no. 2 vide which permission under para 26(6) of the EPF Scheme 1952 in respect of respondent Corporation has been withdrawn and pension of the petitioners is being fixed w.e.f 07.03.2013 on the basis of taking maximum salary of Rs. 6500/- p.m. instead of average actual salary for 12 months preceding to date of retirement in violation of provision of EPF Scheme 1995. Further the petitioners have also prayed to issue directions to the respondent no. 1 and 2 to refix/fix their pension taken into account of average full salary for 12 months preceding to date of their retirement in accordance with the provision of the pension scheme.

In this connection it is respectfully submitted that the petitioners are the retired employees of the respondent Corporation. The petitioners were members of employees provident fund scheme 1952 and Family Pension Scheme 1971. petitioners continuously paid their contributory share in the pension scheme till their retirement from the services of the answering respondent. The answering respondent also deposited matching contribution along with the administrative charges as per retirement of the scheme. The option regarding deduction of the EPF contribution on full salary was also obtain from the employees of the Corporation including the petitioners and submitted to the office of the respondent no. 2 and respondent no. 2 had also issued audited slips to the employees of answering respondent Corporation.

2. That in the year 2005 similar objection was raised by the respondent no. 2 and the answering respondent removed the objection and again submitted the options regarding deduction of EPF on full salary was obtained from all employees and submitted the same to the office of the respondent no. 2. After the operation of the pension scheme as and when employees of the answering respondent retired from the service the respondent no. 2 fixed the pension after taking into consideration the full salary drawn by him average of 12 months preceding to his retirement. Since then the respondent no. has fixed the pension on the basis of average full salary to more than 100 employees.

3. That the action to grant the relief as prayed in the present writ petition is required to be taken by respondent no. 1 and 2. The Haryana Seed Development Corporation has been impleaded as a Performa party and no relief has been claimed qua the respondent Corporation. Hence, no valid cause of action subsists to the petitioners in the present writ petition qua the respondent Corporation.

In view of the submission made above, it is therefore respectfully prayed that the present writ petition being devoid of any merit qua the answering respondent may kindly be dismissed in the interest of justice.

(K.R. Sharma) Chief Manager (P&A)

Panchkula Haryana Seed Development Corporation

DATE: Respondent no. 3

Through Counsel

( SURESH AHLAWAT, ADVOCATE )

Verification:

Verified that the contents of para no. 1 to 3 of the short reply are true and correct to my knowledge and based on the information derived from the official record, which I believe to be correct. No part of it is false and nothing material has been kept concealed therefrom.

(K.R. Sharma) Chief Manager (P&A)

Panchkula Haryana Seed Development Corporation

DATE: Respondent no. 3