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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8560/2010

GEETA WADHWA AND ORS Petitioners

Through: Mr K.K. Rai, Sr. Adv. with Mr S.K. Pandey, Adv. in R.P No. 502/2014.

Mr Shankar Raju & Mr Nilansh Gaur, Adv. in R.P. No. 342/2014

versus

UNION OF INDIA & ORS. Respondents

Through: Mr Sanjeev Narula, CGSC with Mr Ajay Kalra, Adv. for Resp./ UOI.

Mr Mohinder J.S. Rupal, Adv. for Resp./ University of Delhi.

Ms Somya Yadava & Mr Deepak Bhardwaj, Adv. for R-4.

Mr Vaibhav Mehra, proxy counsel for Mr R.P. Sharma, Adv. for R-5.

Mr Tom K. Jose, Sr. Assistant, Accounts Department of R-6.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **22.05.2015**

Review Petition No. 502/2014 (by P-2)

1. This review petition has been filed by petitioner no. 2, i.e., Ms Ila Trivedi. It is stated that the said petitioner did not exercise any option. In other words, she neither exercised a positive option to remain in CPF, nor did she exercise an option to switch-over to the Pension Scheme. It is thus stated that the review petitioner would fall in category – III and, therefore, would be covered by the judgement delivered by this court on 30.04.2014, passed in WP(C) No. 1490/2006–1507/2006, titled: **R.N. Virmani vs**

University of Delhi & Anr.

2. Mr Tom K. Jose, Sr. Assistant, Accounts Department, in the Jesus and Mary College, is present in court. He has brought to court a “To Whom It May Concern” certificate, stating therein that the review petitioner never exercised the option to continue in the CPF Scheme. The aforementioned college has and also filed an affidavit. On oath, the concerned officer, Mr Swaraj Sarkar, has stated as follows:

“... 2. That Ms Ela Trivedi never exercised her option to remain in the Contributory Provident Fund Scheme (CPF) at any time. The Respondent no.7 has already issued certificate dated 08.05.2014 in this regard....”

3. Having regard to the above, the review petitioner in this case will be entitled to the relief claimed. Accordingly, she would fall in category–III and, would thus, be entitled to the relief in terms of the judgement of this court passed in *R.N. Virmani vs University of Delhi & Anr.* It is ordered accordingly.

4. The captioned review petition is, accordingly, disposed of.

Review Petition No. 342/2014 (by P-1)

5. Learned counsel for respondent no.5 seeks further time to file an affidavit qua letter dated 04.01.2011; which has been filed to establish protest in collecting the CPF dues. The said letter is appended at page 128 of the paper book. Let the needful be done within one week.

6. List on 21.08.2015.

7. Dasti.

RAJIV SHAKDHER, J

MAY 22, 2015/kk
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