

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 8747 / 2017

Sanwar Lal Sharma S/o Sh. Govind Ram Sharma, Aged About 61
Years, R/o House No. 12/A, Sector B, Shree Ram Nagar, Near
Chopasani Housing Board, Jodhpur.

-----Petitioner

Versus

1. The State of Rajasthan Through Its Secretary Energy
Department, Government of Rajasthan, Rajasthan Secretariat,
Jaipur.

2. The Rajasthan Rajya Vidhyut Prasaran Nigam Ltd. Through Its
Chairman and Managing Director, Vidhyut Bhawan, Janpath Jyoti
Nagar, Jaipur.

3. The Jodhpur Vidhyut Vitran Nigam Ltd., Through Its Managing
Director, Jodhpur Rajasthan.

4. The Ajmer Vidhyut Vitran Nigam Ltd., Through Its Managing
Director, Ajmer Rajasthan.

5. The Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. Through Its
Chairman and Managing Director, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Vinay Jain

For Respondent(s) : Mr. Ravi Bhansali Sr. Advocate, Assisted by Mr.
OP Soni

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

06/02/2018

1. This writ petition has been preferred with the following
prayers:

*"(i) That by calling entire record relating to the
present controversy it may kindly be declared that the
petitioner is entitled for exercising option for pension
as extended to other employees erstwhile R.S.E.B. It
may also be declared that petitioner is entitled for all*

pensionary benefits and by acting upon the option submitted for pensionary benefits.

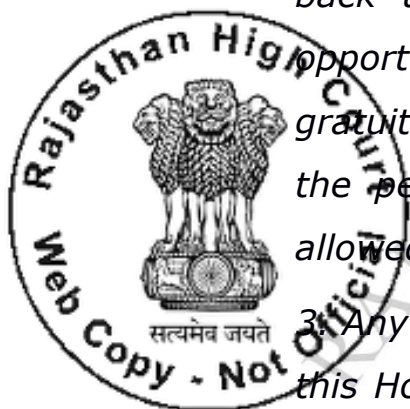
2. That the petitioner may be declared entitled for consequential benefits. The amount of C.P.F. contributed towards C.P.F. by the petitioner be as the amount contributed towards C.P.F. and the share of the management towards the same shall be deposited back to the pension fund in order to provide an opportunity to the petitioner for opting pension. The gratuity / commutation of pension etc. payable under the pension scheme may kindly be directed to be allowed to the petitioner.

3. Any other appropriate writ, order or direction which this Hon'ble Court deems just and proper may kindly be passed in favour of the petitioner.

4. Cost of this writ petition may kindly be awarded in favour of the petitioner."

2. Admittedly, the controversy has been adjudicated upon by the Hon'ble Apex Court in the matter of **Rajasthan Rajya Vidyut Vitran Nigam Ltd. Vs. Dwarka Prasad Koolwal & Ors. (Civil Appeal No.7483/2014)**, decided on 07.08.2014. The relevant portion of the law laid down by the Hon'ble Apex Court is as follows:-

"70. Insofar as the present appeals are concerned, the respondents who are members of the CPF Scheme were given several opportunities of switching over to the Pension Scheme and the GPF Scheme under the Pension Regulations and the GPF Regulations respectively but they chose not to do so. The question whether under these circumstances pension is a bounty or a charity becomes completely irrelevant. The entitlement to pension was available to the



respondents but they chose not to avail the entitlement for reasons personal to them. Having taken a decision in this regard the respondents cannot now raise an argument of pension not being a bounty and therefore requiring the RSEB to give them another option to switch over to the Pension and GPF Regulations.

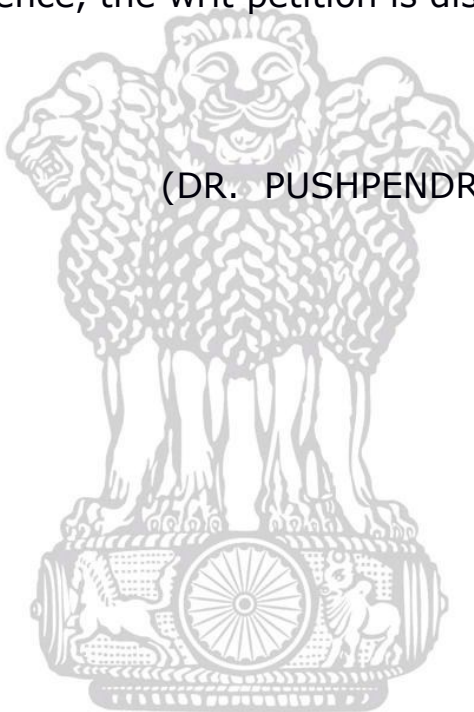
71. Under the circumstances, we find no merit in the contentions urged by the respondents and consequently, the appeals of the RSEB deserve to be allowed."



3 In light of the aforesaid precedent law, this writ petition does not survive. Hence, the writ petition is dismissed.

(DR. PUSHPENDRA SINGH BHATI)J.

sudheer



सत्यमेव जयते