RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 14014/2025
CNR: RJHC010668792025 | URN: CW / 25284U / 2025

Rajasthan High Court
सत्यमेव जयते
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Smt. Payal Jain W/o Late Girish Jain, Aged About 38 Years, In Quarter No. R-3 Type, Vidhyut Nagar, Udaipur Road, Banswara-327001, Presently Working To The Post Of Commercial Assistant I, In The Office Of Assistant Engineer (O And M), Sabla, Dungarpur, Ajmer Vidyut Vitran Nigam Limited.

----Petitioner

Versus

1. The Chariman Cum Managing Director, Rajasthan Rajya Vidhyut Prasaran Nigam Limited, Vidyut Bhawan, Vidhyut Marg, Jyoti Nagar, Jaipur.
2. The Secretary (Cpf Trust), Rajasthan Rajya Vidhyut Prasaran Nigam Limited, Room No. 213, Gate No.03, Old Power House, Near Ram Mandir Street, Bani Park, Jaipur, Rajasthan - 3020163.
3. The Secretary (Admn.), Ajmer Vidhyut Vitaran Nigam Limited, Registered Office At Vidyut Bhawan, Panchsheel Nagar, Makarwali Road, Ajmer.
4. The Superintending Engineer (O And M), Ajmer Vidhyut Vitaran Nigam Limited, Dungarpur.
5. The Assistant Engineer (O And M), Ajmer Vidhyut Vitaran Nigam Limited, Sabla, District Dungarpur.

----Respondents

For Petitioner(s)	:	Mr. S.K.M. Vyas
For Respondent(s)	:	Mr. Dhirendra Singh Sodha Mr. Manish Purohit Mr. Deepak Kumar Parihar Mr. Hanwant Singh

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HON'BLE MR. JUSTICE KULDEEP MATHUR

ORDER

RESERVED ON 17/11/2026

PRONOUNCED ON 25/11/2026

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1. The present writ petition has been filed by the petitioner under Articles 226 and 227 of the Constitution of India, seeking a direction to the respondents to accept her option for switching over from the Contributory Provident Fund (CPF) Scheme to the Old Pension Scheme (OPS) and consequently grant family pension along with arrears and interest.

2. Briefly, the facts of the case are that the petitioner's husband, Late Shri Girish Jain, was appointed as Commercial Assistant-II in Ajmer Vidyut Vitran Nigam Limited (Ajmer Discom) vide order dated 20.04.2012 and joined his duties on 23.04.2012 as Assistant Engineer, Ajmer Discom, Sabla, District Dungarpur. At the time of joining, he submitted a declaration indicating his coverage under the CPF Scheme. However, he died in a road accident on 04.06.2012 while in service. Thereafter, the petitioner, being his wife, was granted compassionate appointment and is presently serving the respondent department.

3. The State Government, Department of Finance, issued an order in April, 2023 permitting employees covered under the CPF/ EPF Scheme, including dependants of employees who had died prior thereto, to exercise an option for switching over to the Old Pension Scheme. The said order was adopted by Ajmer Discom vide order dated 10.05.2023. Pursuant thereto, the petitioner submitted her option form on 06.07.2023, which was forwarded by the Assistant Engineer to the concerned authorities on 11.07.2023.

4. The option form was returned by the CPF Trust vide communication dated 12.09.2023 on the ground that the CPF account number of the deceased employee had not been

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RAJASTHAN HIGH COURT

mentioned therein. The Assistant Engineer thereafter made repeated communications seeking opening of the CPF account in the name of the deceased employee. Eventually, CPF account No. N14724AVVN was allotted on 11.03.2024. However, despite subsequent correspondence requesting processing of the petitioner's option, no decision was communicated to her, compelling her to approach this Court by way of the present writ petition.

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5. Learned counsel for the petitioner submitted that the option form for switching over to the Old Pension Scheme was submitted on 06.07.2023, well within the prescribed period. It was contended that the non-availability of the CPF account number was entirely attributable to the respondent authorities, as the deceased employee had submitted the requisite declaration indicating his CPF membership at the time of joining service in the year 2012 itself. Despite the same, the respondents failed to open his CPF account. It was argued that the petitioner could not be made to suffer on account of such lapse, particularly when she had exercised her option within the prescribed period and had no control over the allotment of the CPF account number.

6. Learned counsel further submitted that the Assistant Engineer had repeatedly taken up the matter with the CPF Trust and forwarded the requisite documents and clarifications, pursuant to which the CPF account was eventually allotted on 11.03.2024. However, even thereafter, the petitioner's option was not processed and no demand was raised. It was contended that the responsibility for calculation and deposit of the employer's contribution was upon the concerned institution. Accordingly, it

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was prayed that the respondents be directed to accept the petitioner's option and grant family pension under the Old Pension Scheme.

7. *Per contra*, learned counsel for the respondents submitted that although the petitioner's option form was forwarded to the CPF Trust, the same was returned on 12.09.2023 for want of the CPF account number. It was contended that the deceased employee had served for a very short period and expired on 04.06.2012, due to which his CPF account could not be opened during his lifetime. Despite repeated correspondence, the account could be opened only on 11.03.2024, whereas the last date prescribed under the OPS scheme for issuance of demand and deposit of the requisite amount was 31.10.2023. It was further submitted that the answering respondent Discom had taken all necessary steps and that further processing of the petitioner's option was within the domain of the CPF Trust, Jaipur. Accordingly, dismissal of the writ petition was prayed for.

8. Heard learned counsel for the petitioner and learned counsel for the respondents. Perused the material available on record.

9. The fact that the petitioner submitted her option form on 06.07.2023 and the same was forwarded by the Assistant Engineer on 11.07.2023 is not in dispute. It is also admitted that the option form was returned for want of the CPF account number and that the account was ultimately allotted only on 11.03.2024. The deceased employee had submitted a declaration indicating his CPF membership at the time of joining service in April, 2012. However, the CPF account was not opened by the respondents during his lifetime.

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10. In the aforesaid circumstances, this Court finds that the petitioner had exercised her option within the prescribed period and the delay in completion of the subsequent formalities was not attributable to her. The non-allotment of the CPF account number was an omission on the part of the respondent authorities, which they themselves took steps to rectify only after expiry of the prescribed date. The petitioner cannot be made to suffer on account of such lapse. The respondents, therefore, cannot deny consideration of her option merely on the ground that the CPF account number was allotted after 31.10.2023.

11. This Court also finds that it is the responsibility of the concerned institution and administrative department in respect of calculation of the employer's contribution and deposit of the CPF employer's contribution into the pension fund where the same has not been deposited in the concerned account. Thus, the Government order itself contemplates a mechanism for dealing with the employer's contribution which remained undeposited. The respondents were, therefore, required to undertake the necessary exercise in terms of the said provisions rather than allow the petitioner's option to remain unprocessed on account of non-availability of the CPF account number.

12. In view of the aforesaid discussion and the findings recorded hereinabove, the writ petition is allowed. The respondents are directed to process the petitioner's option dated 06.07.2023 for switching over from the CPF Scheme to the Old Pension Scheme by treating the same as having been submitted within the prescribed period. The fact that the CPF account number was

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allotted after 31.10.2023 shall not be treated as a ground to deny consideration of her option.

13. The concerned authorities shall undertake the requisite calculation of the employer's contribution along with applicable interest and complete the consequential formalities in accordance with the Government order in that regard. In case any amount is required to be deposited by the petitioner under the applicable provisions, the respondents shall issue an appropriate demand and afford her reasonable time to comply with the same. Upon completion of the requisite formalities, the respondents shall pass appropriate orders regarding grant of family pension under the Old Pension Scheme and release the consequential arrears, in accordance with the applicable provisions. The entire exercise shall be completed within a period of three months from the date of receipt of a certified copy of this order.

14. All pending application(s), if any, stand disposed of.

(KULDEEP MATHUR),J

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