

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

**CWP NO. 11202 OF 2013
Date of decision: 5.02.2015**

Joginder Paul

..... Petitioner

versus

Punjab State Power Corpn. Ltd. and others

..... Respondents

Coram: Hon'ble Mr. Justice Amol Rattan Singh

Present: Mr. H.K.Brinda, Advocate
for the petitioner.

Mr. R.L.Sharma, Advocate
for the respondents.

Amol Rattan Singh, J.(Oral)

Learned counsel for the respondents submits that since the petitioner has not deposited the amount paid to him as share of the contribution made by the erstwhile Punjab State Electricity Board to the employees provident fund, the period of service rendered by him on work charged basis prior to his regularisation can not be counted towards pensionary benefits.

Learned counsel for the petitioner on the other hand, points to instructions dated 16.03.2007, issued by the respondents, annexed as Annexure R-1 with the reply, which specifically state that the amount due from the employee, along with interest, would be calculated by the respondents and intimated to an employee, upon which he would give undertaking that he accepts the calculation made by the Board and is ready to deposit the same.

This petition is, consequently, disposed of with a direction to the respondents to calculate the amount due from the petitioner, in terms of the instructions Annexure R-1, within a period of two months from today, after which, the petitioner, if he desires to avail of the benefit thereof, would

submit his undertaking again, in terms of the aforesaid instructions, within a period of one month; after which the pensionary benefits due to him be paid within a two months of his furnishing such undertaking.

Since it is an admitted fact that the respondents did not comply with their own instructions in calculating the amount due from the petitioner, ever since his retirement on 31.03.2010, the respondents would also be liable to pay interest to the petitioner @7% per annum, running from a date three months after the retirement of the petitioner, till the date that the calculations to be made by the respondents are not given to the petitioner. In case, thereafter, the petitioner submits his undertaking within time and retirement benefits are still not released to him within two months thereafter, then such benefits would be paid to him alongwith interest @12%, till the date of payment.

5th February, 2015
Shivani Kaushik

[AMOL RATTAN SINGH]
JUDGE