

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10494 of 1993

Date of Decision: 24.02.2016

Joga Singh

... Petitioner

Versus

The Regional Provident Fund Commissioner,
Punjab, Chandigarh and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. M.S. Kang, Advocate,
for the petitioner.

Mr. I.S. Sidhu, Advocate,
for respondents No.2 and 3.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. Despite best efforts, Mr. Kang states at the Bar that he had not been able to get in touch with the petitioner – Joga Singh, his client. His inquiries at places known of last residence have revealed that he no longer resides in the address mentioned in the cause title. Therefore, no useful purpose will be served to keep making vain attempt to serve the petitioner at the address recorded in the petition and case papers.

2. Mr. Kang refute the contention of the learned counsel for respondent Nos.2 & 3 – Markfed that the petitioner was released his dues sometime in the year 1995 while the petitioner retired from service in the year 1992. The delay in release of dues was caused by the charge-sheet served upon the petitioner a few days short of retirement. There was no substance in the charge-sheet which is the obvious reason why a statement

has been made today on behalf of the Markfed that the amounts have been released without further details. Even the arbitration reference sought by Markfed claiming recovery of money before the authorities provided by the Punjab Cooperative Societies Act, 1961 failed. Markfed filed an appeal against the order and succeeded in obtaining a remand to the primary authority. This fact is recorded in the written statement but the direction of this Court to Markfed to place the current status of those proceedings has not brought anything on record to know of the fate of the proceedings in remand.

3. Going by the statement made by Markfed counsel on instructions from the Senior Manager (Law), Markfed, in Court, this Court assumes that nothing adverse to the petitioner has come out of those proceedings since the retiral dues have been released. However, with release of the retiral dues in 1995 it would not render the writ petition filed in 1993, infructuous as contended by the respondent counsel. The petitioner may have a valuable subsisting right to claim interest on delayed payments and for imposition of costs, damages etc. for wrongfully withholding of retiral benefits. In the absence of the petitioner, no comment is made of these residual issues which are left open to be decided by this Court in case the petitioner comes forward to revive the petition and to claim adjudication on interest on his retiral dues, if justice requires.

4. With this liberty, the petition stands disposed of.

5. A copy of this order be sent by the office to the petitioner at the address in the memorandum of parties/cause tile. Besides, Mr. Sidhu would ensure the order is also uploaded on the official website of respondent

Markfed in the hope that it may be assessed by the petitioner or any member of his family.

(RAJIV NARAIN RAINA)
JUDGE

24.02.2016
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