

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.2597 of 2013
Date of Decision:- 24.05.2016

Om Parkash

....Petitioner

Versus

UHBVNL and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Naveen Daryal, Advocate,
for the petitioner.

None for the respondents.

RITU BAHRI, J. (Oral)

Petitioner has approached this Court in CWP No.14697 of 2010 titled Jai Narain Dahiya and others Vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others, which was disposed of vide order dated 07.01.2011 (Annexure P-1) whereby the respondents were directed to count the work charged service towards regular service for grant of pensionary benefits to the petitioner in view of the judgment of Division Bench of this Court in CWP No.4763 of 2006 titled Ranbir Singh Vs. Uttar Haryana Bijli Nigam Ltd., decided on 26.02.2008 (Annexure P-2). Thereafter, in pursuant to the statement made by the respondents in COCP No.1809 of 2010 (Annexure P-3) on 08.02.2011, the retiral benefits were released to the petitioners along with 8% interest.

The grievance of the petitioner now is that the deduction had been made, vide calculation sheet (Annexure P-4) the EPF amount has been adjusted while making the payment of retiral benefits. The compound interest charged on the EPF amount from the year 1982 to 12.09.2011 which is varying from 8% to 12%.

After issuing notice to the respondents, neither the reply has been filed nor anybody is appeared on their behalf today in the Court.

Learned counsel for the petitioner has referred to a judgment passed by a Co-ordinate Bench of this Court in **CWP No.2914 of 2014** titled **Lakhmi Chand V. Uttar Haryana Bijli Vitran Nigam Limited and others**, **decided on 02.09.2015** whereby in the similar circumstances the petitioner, who was a member of the Employees Provident Fund Scheme, refunded the amount by counting the service rendered by him on work charged basis for the purpose of pension. However, the respondent-Nigam has charged interest from 9.5% to 12% on the said amount.

Consequently, the writ petition was allowed and directions to the respondents to make adjustment of the EPF scheme by charging 6% simple interest. The amount shall be calculated and released with simple interest @ 6% per annum.

The respondent-department is directed to make payment of interest to the petitioner on account of commutations of pension of ₹1,92,490/- along with 9% interest w.e.f. 07.01.2011, the date on which the order (Annexure P-1) has been passed.

May 24, 2016
naresh.k

(**RITU BAHRI**)
JUDGE