

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11229-2014 (O&M)
Date of decision: 27.03.2017

Shakuntla Devi

.....Petitioner

versus

Haryana Urban Development Authority and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.K.L.Dingra, Advocate for the petitioner
Mr.Aman Dhir, Advocate for the respondents

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Husband of the petitioner, who was working as Junior Engineer with HUDA, died in harness. Petitioner was appointed as a Clerk with HUDA on compassionate grounds on 4.7.1983. It is further stated that since according to the respondents, petitioner failed to qualify the typing test, therefore, she was compulsorily retired on attaining the age of 56 years on 15.10.2008.

It also comes out that petitioner approached this Court against the said retirement order by filing CWP No.14573 of 2008 and the same was admitted in which, vide order dated 10.11.2008, stay was granted. However, against the said order, respondent-HUDA filed SLP (Civil) No.28148 of 2008 before the Hon'ble Supreme Court and the Hon'ble Supreme Court vide order dated 8.12.2008 stayed the operation of the order dated 10.11.2008 passed by this Court. Petitioner otherwise attained the age

of superannuation on 1.4.2011. It also comes out that the petitioner moved an application on 13.4.2011 for release of her GPF amount. Her GPF payment, amounting to Rs.3,46,614/- was actually transferred in her savings bank account No.386202010041577 with Union Bank of India, Kurukshetra on 2.4.2013 as per entry in the pass book (Annexure P2).

In the written statement, the ground for delay is on the basis of the Rule 14 of the GPF Rules, which requires the petitioner to apply for release of GPF amount and if she does not apply, interest is not payable.

In this case, as per memo No.1743 dated 13.4.2011 (Annexure P1), the representation of the petitioner for release of GPF amount was sent to Executive Engineer. Respondents have not placed on file any letter to show that the application filed by the petitioner was incomplete. It also comes out that the petitioner submitted a fresh application dated 22.10.2012 (Annexure R3/4), referring to her earlier application dated 13.4.2011 (Annexure P1). Therefore, when there was no objection to the first application, the second application would not mean that the first application was not proper application for release of GPF amount. Therefore, starting from 13.4.2011 till 2.4.2013 the date on which the GPF amount was credited, the petitioner is entitled to interest at the same rate which is allowed on the GPF amount for the said period. The interest part be released within two months from the date of receipt of a certified copy of this order.

Petition is allowed accordingly.

27.03.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
No