

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

CWP No.16422 of 2017

Date of decision: July 27, 2017

Krishan Lal

....Petitioner

Versus

Municipal Corporation Amritsar and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. K.S. Rekhi, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of the instant civil writ petition preferred under Article 226/227 of Constitution of India, petitioner has sought writ of mandamus seeking direction to the respondent to pay entire Provident Fund (as per Annexure P-1) from the date of joining till retirement (including the Provident Fund from 01.04.2013 to 30.09.2015 which has been deducted from his pay.

The contention of learned counsel for the petitioner is that though petitioner retired on attaining the age of superannuation on 30th September, 2015 yet the Provident Fund, to which, he is legally entitled has not been disbursed to him despite number of oral as well as written requests. It has come to light that certain amount(s) were deducted on account of Provident Fund from the salary of the petitioner but same were not deposited with the competent authority on account of which, the disbursement of the Provident Fund to the petitioner stood delayed. Learned counsel further submits that the petitioner moved a representation to the Commissioner Municipal Corporation dated 24th May, 2017 (Annexure P-2) calling upon him to make the payment of the Provident Fund to which

the petitioner is legally entitled, that too, along with interest till the date of retirement from the date of joining but till date no action has been taken.

Learned counsel for the petitioner submits that petitioner feels satisfied in case Commissioner Municipal Corporation is directed to look into the grievances unfolded in the representation dated 24.05.2017 (Annexure P-2) and to take a conscious decision by passing a speaking order.

After hearing learned counsel for the petitioner and perusal of the various documents on record, it appears that there is some lapse or omission on the part of respondent-department which has resulted in delay of disbursement of the Provident Fund.

In the light of the afore-narrated facts, instant petition is disposed of with direction to the Commissioner Municipal Corporation/respondent No.2 to look into the grievances unfolded in the representation dated 24.05.2017 (Annexure P-2) and to take a conscious decision that too by passing a speaking order within a period of three months from the date of receipt of certified copy of this order. However, in case Commissioner Municipal Corporation is of the view that petitioner is entitled to the amount of Provident Fund then to disburse the same along with interest keeping in view the judgment passed by Full Bench of this Court in case of *R.S. Randhawa Vs. State of Punjab*, 1997(3) RSJ 318 within next two months.

July 27, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No