

**CWP No. 18760 of 2017
DECIDED ON: AUGUST 22, 2017**

RAJBIR SINGH TEWATIA

.....PETITIONER

VERSUS

STATE OF HARYANA & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Mandamus directing the respondent No.3 to release his provident fund amount for the period December 15, 1976 to August 13, 1986 within a specified period alongwith interest @ 18% per annum.

The contention of learned counsel for the petitioner is that petitioner stood retired on June 30, 2008 as Secretary, Municipal Committee but so far the provided fund amounting to ₹82,832/- for the period referred to above has not been released/disbursed to him.

A glance at the various documents also reveal that vide report dated March 07, 2017 (Annexure P-7), it was reported that the bill with regard to the

afore-said amount of provident fund has been prepared. It matches with the accounts branch therefore, it would be appropriate to pay the bill of provident fund to the petitioner after being verified by audit branch. Subsequent thereto, the bill was prepared, as is evident from Annexure P-8 and the same was put up in the meeting held on April 03, 2017 in the office of Municipal Committee, Hathin for discussion and accordingly, by resolution of even date (Annexure P-9), it was decided unanimously due to non availability of the record of petitioner, the amount of the provident fund be paid to him after audit of bill. But till date no further action has been taken despite the fact that a legal notice was also served upon the respondents on May 07, 2017 (Annexure P-10).

He further contends that he feels satisfied in case a direction is issued to respondent No.3 to dispose of legal notice (Annexure P-10) within a specified period.

Accordingly, instant petition is disposed of with a direction to respondent No.3 to release the amount of provident fund to the petitioner within a period of 15 days from the date of receipt of certified copy of this order. He is further directed to consider the grant of interest on the delayed payment within a period of next two months and in case the petitioner is entitled to it, to make the payment thereof, to the petitioner within a period of next two months.

AUGUST 22, 2017
sham

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*