

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 210

Date of Decision: *November 14, 2017*

1. **Civil Writ Petition No.25131 of 2014 (O & M)**

K.L. Verma
..... PETITIONER(S)

VERSUS

State of Punjab & others
..... RESPONDENT(S)

...

2. **Civil Writ Petition No.25138 of 2014 (O & M)**

K.S. Gill
..... PETITIONER(S)

VERSUS

State of Punjab & others
..... RESPONDENT(S)

...

3. **Civil Writ Petition No.25997 of 2014 (O & M)**

Alka Gupta
..... PETITIONER(S)

VERSUS

State of Punjab & others
..... RESPONDENT(S)

...

4. **Civil Writ Petition No.26620 of 2014 (O & M)**

Lalit Mohan Goyal
..... PETITIONER(S)

VERSUS

State of Punjab & others
..... RESPONDENT(S)

...

5. **Civil Writ Petition No.25946 of 2014 (O & M)**

Parkash Chand PETITIONER(S)

VERSUS

State of Punjab & others RESPONDENT(S)

...

6. **Civil Writ Petition No.25999 of 2014 (O & M)**

D.P. Sekri PETITIONER(S)

VERSUS

State of Punjab & others RESPONDENT(S)

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7. **Civil Writ Petition No.26025 of 2014 (O & M)**

D.P. Rampal PETITIONER(S)

VERSUS

State of Punjab & others RESPONDENT(S)

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8. **Civil Writ Petition No.26629 of 2014 (O & M)**

H.K. Gupta PETITIONER(S)

VERSUS

State of Punjab & others RESPONDENT(S)

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9. **Civil Writ Petition No.1781 of 2015 (O & M)**

Santosh Aggarwal PETITIONER(S)

VERSUS

State of Punjab & others RESPONDENT(S)

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10. **Civil Writ Petition No.5465 of 2015 (O & M)**

J.S. Talwar PETITIONER(S)

VERSUS

State of Punjab & others RESPONDENT(S)

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11. **Civil Writ Petition No.5469 of 2015 (O & M)**

Rajinder Gupta PETITIONER(S)

VERSUS

State of Punjab & others RESPONDENT(S)

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12. **Civil Writ Petition No.13989 of 2015 (O & M)**

Padma Sharma PETITIONER(S)

VERSUS

State of Punjab & others RESPONDENT(S)

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CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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PRESENT: - Mr. Padamkant Dwivedi, Advocate and Mr. Deepak Arora, Advocate; for the petitioner(s).

Mr. Manoj Bajaj, Additional Advocate General, Punjab.

Mr. Mohnish Sharma, Advocate; Mr. Ashok Aneja, Advocate; and Mr. Vikram S. Anand, Advocate, for the respondents.

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Jaspal Singh, J

This judgment shall dispose of aforementioned writ petitions as they involve similar questions of facts and law.

The petitioners have approached this Court through the instant petitions under Article 226/227 of the Constitution of India for quashing the action of respondent(s) rejecting their claim for calculating and pay them the arrears of Contributory Provident Fund (CPF) due to them in accordance with the Punjab University Calendar treating salary as Basic Pay plus all allowances excluding House Rent Allowance for the period 1984 till their retirement.

The petitioners have retired from the respondent – University/ Institution(s). They have prayed that they be given CPF by calculating it at the rate of 10% of the salary. The petitioners were being given this benefit @ 8% of the basic pay whereas they claim that salary under the provisions of Para 12.3 Chapter VII(E) Volume 1 of Panjab University Calender which has been defined to be pay plus all allowances excluding House Rent Allowance and they be given the benefit of CPF @

10% of their salary. They have also prayed that arrears of salary be also given.

The controversy involved in these petitions stands already settled in the various writ petitions decided previously.

Even an identical question has been dealt with and decided by in Civil Writ Petition No.8774 of 2004 titled '**R.G. Gupta & others vs. State of Punjab & others**' decided on July 06, 2010 wherein after considering the Panjab University Calendar, Instructions as well as judgment delivered by the Hon'ble Apex Court in case **Shri Anadi Mukta Sadguru Shree Muktajee Vandasjiswami Suvarna Jayani Mahotsav Smark Trust & others vs. V.R. Rudani & others**' reported as **AIR 1989 SC 1607** and a Division Bench judgment of this Court rendered in '**Hindu College Governing Council & another vs. Shri N.D. Malhotra & another**' reported as **1993 (1) RSJ 757**, the following has been observed:-

“Since there is no dispute regarding the admissibility of benefit of Contributory provident Fund which is to be calculated at the rate of 10% of the salary which has been termed to include pay and all allowances except the house rent allowance in terms of Para 12.3 of the Panjab University Calendar Chapter VIII(E) Vol. 1, the court is of the opinion that the writ petition deserves to succeed. The Court is also of the opinion that respondent No.4 could not have withheld such a benefit from the petitioners on the ground of paucity of funds. It therefore directs respondent No.4 to release the amount due to the petitioners by calculating it in accordance with the terms of rule 12.3 Para 2 forthwith and release the benefits to the petitioners within a period of two months from today. The respondent State of Punjab shall reimburse this amount after such a payment has been made within a period of three months from the time when a claim for such a reimbursement is lodged with them. There shall be no deviation in making such payments by the respondents whether it is in the shape of payment to the petitioners in the first instance by respondent No.4 or in the shape of reimbursement by respondent nos. 1 to respondent no. 4. The amount shall be released to the petitioners alongwith interest at the rate of 9% from the date when it became due.....”

From the above referred paragraph, it is clear that the instant petitions are squarely covered by the decision rendered in the case of **R.G. Gupta (supra)**, thus, all these petitions are accordingly allowed in the same terms. It would be appreciable that needful be done within a period of two months from the date of receipt of certified copy of this order.

No order as to costs.

November 14, 2018
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No