

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

(204)

CWP-2139-2014 (O&M)

Date of Decision: November 27, 2018

Hardev Singh through legal heirs Lakhbir Kaur and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manish Prabhaker, Advocate, for the petitioner.

Ms. Anju Arora, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

CM-9931-CWP-2015

Prayer in the application is for impleading the legal representative of the applicant-petitioner Hardev Singh.

Heard.

In view of the facts mentioned in the application and arguments addressed, persons mentioned in Para 2 of the application are impleaded as legal representatives of the applicant-petitioner Hardev Singh for the purposes of decision of the present case and subject to all just exceptions.

Amended memo of parties is taken on record.

Application is disposed of, accordingly.

CM-10084-CWP-2017

Present application has been filed to place on record Annexure P-8.

The application is allowed.

Annexure P-8 is permitted to be taken on record.

CWP-2139-2014 (O&M)

The present writ petition has been filed by the legal heirs of

petitioner Hardev Singh seeking the release of the amount of General Provident Fund for the period starting from March 1973 to March 1989, according to the petitioner which is lying with respondent No.2-Accountant General Punjab.

In the writ petition, it has been mentioned that the General Provident Fund for the period March 1972 till March 1989 has not been released to the petitioner. The contention of the petitioner is that Hardev Singh was continuously paying the subscription for the General Provident Fund from the date he was appointed till he retired on 28.02.2005 but while calculating his entitlement for the General Provident Fund, certain deposits which Hardev Singh had made, had not been calculated and the benefit of the same has not been released to the petitioner Hardev Singh.

During pendency of the writ petition, learned counsel for the petitioner states that in fact, as the legal heirs of Sh. Hardev Singh were not knowing the actual facts, it later on transpired that benefit from November, 1971 till March 1989 has not been paid to him.

Notice of motion of the writ petition was issued and the reply was filed by the respondents. In reply filed by the respondents, they have admitted their lapse. The justification given was that the record was very old and was almost destroyed/spoiled by the termite. It was only after the petitioner brought on record Annexure P-8, the respondents recalculated the entitlement of the petitioner and sanctioned an amount of Rs.61,637/- for 69 missing credits. Further, an amount of Rs.13,522/- has been paid as interest over and above the said calculations. The amount mentioned above, has already been paid to the petitioner.

Learned counsel for the petitioner states that the petitioner has only been given the payment for 69 missing credits whereas, there were 85

missing credits for which the petitioner was entitled for. He further states that keeping in view the record, the petitioner wishes to make a representation to the respondents for the grant of payment for the remaining 16 missing credits by giving their details within a period of four weeks from today.

In case any such representation is filed by the petitioner, the respondents will decide the same expeditiously within a period of six weeks from the date which is received, by passing a speaking order. The petitioner will have liberty to attach the supporting documents along with representation, which will also be taken into consideration by the respondents while deciding the claim.

In case after the decision, it is found that the petitioner is entitled for the payment of some other missing credits also, the same should also be made within a period of two months thereafter.

The writ petition stands disposed of, in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

November 27, 2018
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No