

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.8509 OF 2015
DECIDED ON: MAY 11, 2018

MOHAN LAL GUPTA

....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Akashdeep Miglani, Advocate for
Ms. Jatinder Jit Kaur, Advocate,
for the petitioner.

Ms. Deepali Puri, Additional Advocate General, Punjab.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to release GPF and other emoluments which has not been released to him despite the fact that he stood retired on 31.05.1990 along with interest.

2. In response to the notice of motion issued by this Court, respondents No. 1, 2 and 4 filed reply by way of affidavit of Er. Sanjeev Suri, Director Kandi Water Shed Design Directorate Irrigation Works, Punjab, Chandigarh.

3 Paragraphs No. 5 to 7 are relevant for the disposal of the instant petition, which are reproduced as under:-

“5. *That it is pertinent to mention here that the*

petitioner stands retired on attaining the age of superannuation on 31.05.1990 and the retiral benefits were paid to him. However, certain payments of his GPF remained unpaid on account of his missing credits, as pointed out by the office of accountant General Punjab i.e. respondent No.3. It is submitted that after verifying the record, the following payments of GPF A/c 16124 have been made to the petitioner on different dates along with interest.

Sr. No.	GPF Amount (Rs.)	Interest amount (Rs.)	Total paid (Rs.)	Date of payment
1	8115.00	8944.00	17059	02.12.1981
2	41903.00	20019.00	61922	14.02.1992
3	0.00	9123.00	9123.00	09.06.1994
4.	0.00	5624.00	5624.00	01.03.2014
5.	0.00	62935.00	62935.00	07.08.2014
Total	50018.00	106645.00	156663.00	

6. *That it is pertinent to mention here that the advance amounting to Rs.4560/- (wrongly mentioned Rs.4660/- by Petitioner) in 03/1987 has been paid vide voucher No.5, dated 09.03.1987 and advance amounting to Rs.4400/- in 03/1987 has been paid vide voucher no. 33, dated 26.03.1987. The amount of Rs.3400/- was taken by Petitioner in 12/1979 in supersession of sanction in 09/1979 (Sanction No. 6657-60 dated 22.09.1979, Sanction No 8366-69/8380 dated 16.11.1979). The department of the answering respondent has sent bill for missing advance (Rs.3400/-) in 09/1979 to Punjab Treasury Chandigarh vide bill No.336 dated 26.02.2016 which will be released soon.*

7. *That it is also pertinent to mention here that the petitioner remained silent with regard to the*

payment of missing credits of GPF from his retirement i.e. 31.05.1990 till 2014 when he submitted representations dated 12.10.2014 i.e. after about 24 years and served the legal notice dated 08.01.2015 (Annexure P-6). The petitioner himself has also admitted that he has received the payment of missing credits of GPF which were paid to in the year of 1991 to 1994. Thereafter the petitioner remained silent till 2014 and thereafter submitted the and as well as the legal notice after a period of 20 years by alleging that some payments of missing credits of GPF have not been made to him, for which the department of the answering respondent cannot not be faulted.”

4. A glance at the aforesaid paragraphs transpires that most of the amount has since been released and disbursed to the petitioner, that too, along with interest. Therefore, instant petition stands disposed of as having been rendered infructuous. However, at the same time, petitioner is granted liberty that if he still feels aggrieved qua the payments already made to him, to have recourse to the remedies available under law as well as to approach this Court.

MAY 11, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>