IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-20102-2015 (O&M)
Date of Decision: February 08, 2019

Ravinder Pal and Ors ... Petitioner

vs.

Punjab Water Supply and Sewerage Board and Ors .. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Puneet Kumar Bansal, Advocate, for the petitioners.

Mr. Vijay Kumar Kaushal, Advocate, for respondents No. 1 and 2.

Mr. Gursimranjit Singh, Advocate, for respondent No.3.

****

ARUN MONGA, J

1. The present petition has been filed, *inter alia,* seeking issuance of a writ in the nature of *mandamus* directing the the respondent(s) to grant interest on the delayed payment of the Provident Fund, which was to be released/disbursed to the petitioners w.e.f. the date when they quit the service of respondent(s)-Punjab Water Supply and Sewerage Board, hereinafter, to be referred as Board.

2. At the very outset, learned counsel for the respondent(s)-Board states that the said prayer of the petitioners has already been allowed by the Board itself and, therefore, the present writ petition is rendered infructuous and be dismissed accordingly.

3. Per contra, learned counsel for the petitioners states that the interest has been paid only upto the date when they quit the service. Whereas, the amount of Provident Fund payable to them was withheld from 30.06.2006 till the actual payment of it was made on 15.03.2012. He further states that the

interest for the period during which Provident Fund was withheld has not been granted to the petitioners.

4. After going through the pleadings of the respective parties, I find that it is a conceded position that the amount of Provident Fund was withheld from 30.06.2006 till the actual payment of it was made on 15.03.2012 and no plausible explanation of the same has been offered. Admittedly, the interest has been paid to the petitioners only upto the date when they quit the service. I do not, therefore, find favour with the contention of learned counsel for respondent(s)-Board that the interest has been paid as per Provident Fund Rule 10 (2) read alongwith Rule 17. For ready reference, the relevant portions of the same are extracted herein below:-

> "*10 Interest:- (1) The Board shall pay to the credit of the subscriber in the Fund an interest at such rates as may be fixed by Punjab Government for the Provident Fund of its own employees.*
>
> *(2) The amount of* ***interest accrued on the balance at the credit of a subscriber shall be calculated at the end of the year, or when the account is closed****, to the nearest paise on the lowest balance, excluding fractions of a rupee at the credit of a subscriber between the close of the fifthday and the last day of each month.*
>
> *Provided that when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, upto the date on which the amount standing at the credit of subscriber becomes payable.*
>
> *17:- Circumstances in which accumulations are payable (1)* ***When a subscriber quits the service of the Board,*** *the amount standing to his credit in the Fund shall subject to any deductions under rule 18, become payable to him.*"

5. A perusal of the above clearly reflects that the amount of Provident Fund becomes payable as on the date when the subscriber/employee quits the service of the Board. Being a conceded position the amount was not disbursed within a reasonable period to the subscriber (employees/petitioners herein), they have to be compensated for the delayed payment which is attributable entirely to the respondent(s)-Board.

6. As far as the objection of learned counsel for respondent(s)-Board with regard to claim of the petitioners being time barred is concerned, the same is also not tenable.

7. It is a conceded case that the petitioners were earlier employees of respondent(s)-Board until they were transferred to Municipal Council, Ferozepur (respondent No.3) and ever since, they have been pursuing their case with respondent(s)-Board for transfer of the money, in respect of their provident fund, to their new employer. Being a recurring cause of action, I find that there is no delay in filing the present writ petition.

8. In view of the observations made above, the present writ petition is allowed. Respondent(s)-Board is directed to pay the statutory rate of interest, as per the Provident Fund Rules, by making the necessary calculation for the delayed period and remit the same, in the respective accounts of the petitioners, maintained qua the provident fund.

Let needful be done within a period of 06 months from the date of receipt of certified copy of this order.

February 08, 2019 **(ARUN MONGA)**
smriti **JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No