

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

(230)

CWP-20001-2016

Date of Decision: October 29, 2019

Ujjagar Singh

.. Petitioner

Versus

State of Punjab & others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. V.K. Shukla, Advocate, for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the petitioner is challenging the order dated 09.11.2015 (Annexure P-5) in pursuance to which recovery of Rs.31,331/- has been done from the gratuity of the petitioner after his retirement.

The prayer of the petitioner is that the said recovery has been made illegally and therefore, petitioner is entitled for the refund of the same alongwith interest.

Upon notice of motion, the respondents have filed the reply. In the reply, the respondents have stated that the petitioner had deposited less amount in the provident fund to the tune of Rs.32,400/-, which amount was made good while releasing the pensionary benefits of the petitioner. The respondents, in their reply, has stated that out of the total amount of Rs.1,50,059/- which was deducted as the employees' share, only a sum of Rs.1,17,659/- was deposited by the Panchayat Samiti and the remaining amount was asked from the Panchayat Samiti alongwith interest to be deposited and the Panchayat Samiti deposited the said amount of Rs.32,400/- alongwith interest. The reply of the respondents is as under:-

“1. That the petitioner Ujjagar Singh retired Superintendent Panchayat Samiti Faridkot filed this writ petition in this Hon'ble Court for quashing the impugned order dated 09.11.2015 (P-5) whereby the recovery of Rs.31,631/- has been effected from the gratuity of the petitioner and also pay Rs.32,400/- of contributory provident fund paid less to him with interest.

2. It is submitted that amount of Rs.32,400/- less amount of provident fund paid to the petitioner has been released with interest @ 5% per annum as per Rule 9 of Punjab Panchayat Samiti and Zila Parishad Provident Fund Rules, 1965 vide this office letter No.1910 dated 21.09.2016. Copy of letter is annexed as R/1. Calculation of interest is calculated as per table below:

Principle Amount	Period	Rate of Interest	Amount of Interest	Date of Payment	Total
32,400/-	01.12.2004-31.08.2016 (141 Months)	5% as per Panchayat Samiti Zila Parishad Provident Fund Rules, 1965	19,035/-	21.09.2016	51,435/-

3. It is also submitted that amount of Rs.31,631/- deducted from the gratuity of the petitioner has also been paid to the petitioner vide cheque No.006476 dated 12.12.2017 by Executive Officer Panchayat Samiti Faridkot which have been received by the petitioner.

In view of the submission made above, it is therefore respectfully prayed that the present writ petition may kindly be dismissed in the interest of justice.”

Learned counsel for the respondents states that not only the recovered amount of Rs.31,631/- has been released to the petitioner on 12.12.2017 and further the petitioner has also been paid the balance amount of Rs.32,400/- alongwith interest and therefore, the present writ petition has been rendered infructuous.

Learned counsel for the petitioner states that petitioner is entitled for interest on Rs.32,400/- w.e.f. the year 1999 when the said amount was to be deposited but the interest of Rs.32,400/- has been given from the year 2004 till 2016.

From the pleadings, prima facie, it is clear that the grievance of the petitioner stands satisfied but still, petitioner is given liberty to raise his grievance for the grant of interest from the year 1999 till 2004 before the respondents by filing an appropriate representation.

Learned counsel for the respondents very fairly states that in case any such representation is filed, the same will be decided in accordance with law within a period of three months from the receipt of the same.

Learned counsel for the petitioner states that keeping in view the abovesaid statement, petitioner does not wish to press this writ petition any further and the present writ petition may be disposed of having been not pressed.

In view of the above, the present writ petition is disposed of having been not pressed.

(HARSIMRAN SINGH SETHI)
JUDGE

October 29, 2019
harsha

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