

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24384 of 2019
Date of decision : 24.09.2019

Seema

....Petitioner

Versus

Maharishi Markandeshwar University, Mullana, District Ambala and
others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. R.K. Malik Senior Advocate with
Mr. Digvijay Singh, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned senior counsel appearing on behalf of the petitioner argues that benefit of contributory provident fund has not been paid to the petitioner in accordance with the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 as the deductions were being done from the salary of the petitioner, as an employee's share, but the employer's share was not deposited by the respondents with the authorities. Further grievance being raised on behalf of the petitioner is that even the leave encashment has wrongly been calculated by the respondents and the actual leave encashment for a period of 220 days has not been extended to the petitioner and further even the gratuity has not been paid at all by the respondents, whereas the petitioner is entitled for the gratuity for the period, when she worked with the respondents starting from the year 1996 till 2016.

The prayer of the petitioner is for directing the respondents to grant the

benefits in respect of the contributory provident fund, leave encashment and gratuity for the service, which the petitioner rendered from 01.03.1996 till 31.10.2016 forthwith.

Learned senior counsel appearing on behalf of the petitioner submits that petitioner has submitted a representation dated 20.04.2018 (Annexure P-4) and reminders of the said representation were also given but no action has been taken by the respondents so far and the said representation is still pending consideration with the respondents and the petitioner will be satisfied at this stage, in case a time bound direction is issued to respondent No. 2 to decide the representation in a time bound manner.

Learned senior counsel appearing on behalf of the petitioner prays that petitioner be also granted liberty to supplement the representation dated 20.04.2018 within one week.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondent No. 2 is directed to decide the representation dated 20.04.2019 (Annexure P-4) and any other supplementary representation received from the petitioner by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to her within a period of next three months.

Writ petition stands disposed of accordingly.

September 24, 2019
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*