

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22967-2019

Date of decision: - 28.08.2019

Balbir Singh

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jaspal Singh Maanipur, Advocate
with Ms. Harpreet Kaur, Advocate and
Mr. Sukhmeet Singh, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance, which is being raised by the petitioner is that amount of GPF, which the petitioner became entitled for, on the date when he attained the age of superannuation, though, he was dismissed prior to the said date, have not been released so far by the respondents.

In order to support the contention that the respondents are under obligation to release the GPF, counsel for the petitioner relies upon Rule 54(4) of the Haryana Civil Services (General Provident Fund) Rules, 2016, which is as under: -

“A *subscriber*, dismissed or removed from service, whose appeal against his dismissal/removal is pending in the department, the balance in his GPF account shall not be authorised until final orders confirming the decision are passed on his appeal or attaining the age of superannuation, whichever is earlier.”

Counsel for the petitioner states that for the relief, which has been sought in the present writ petition, petitioner has served the respondents with a legal notice dated 05.07.2019 (Annexure P-5), which 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 the respondents to decide the said legal notice.

Notice of motion.

Keeping in view the advance copy given to the respondents, Mr. Charanjit Singh Bakhshi, Addl. A.G., Haryana, accepts notice on behalf of the respondents and states that the respondents have no objection in case the prayer of the petitioner for deciding the legal notice dated 05.07.2019 (Annexure P-5) in a time bound manner is accepted.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 05.07.2019 (Annexure P-5) 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, it is found that the petitioner is entitled to any monetary benefits after the decision of the legal notice, the same shall also be paid to the petitioner within three months thereafter.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 28, 2019
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Whether reasoned/speaking?	Yes
Whether reportable?	No