

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

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**CWP No.20661 of 2020
Decided on : 03.12.2020**

Krishna Devi

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. B.S. Sidhu, Advocate for the petitioner.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India seeks directions for issuance of a writ in the nature of mandamus by directing the respondents to release the full amount deposited by her husband towards Contributory Provident Fund alongwith interest accrued.

It is the case of the petitioner that her husband was initially engaged as a daily wager against the post of Mali-cum-Chowkidar on 01.02.1995 and was regularized thereafter on 24.05.2011. In the interregnum period the notification dated 02.03.2004 (Annexure P-1) was issued whereby the service rules were amended and the employees who were appointed after the date of issuance of notification were ordered not to be granted pension as the New Contributory Pension had come into effect from 01.01.2004. The husband of the petitioner had thus been allotted PRAN No.110021852067 for contribution towards New Pension Scheme.

The petitioner's husband alongwith other similarly situated employees had approached this Court by filing **CWP No.25149 of 2012**

(Annexure P-3) that the legal notice be decided in terms of order passed by the Division Bench in '**CWP No.2371 of 2010 'Harbans Lal Vs. State of Punjab and others'** decided on 31.08.2010 and that they be covered under Old Pension Scheme being in service prior to 01.01.2004. Resultantly, he was held to be covered under Old Pension Scheme and allotted GPF No.12434.

It is the case of the petitioner that the employee namely Darshan Singh expired on 31.07.2019. Resultantly, the amount of Contributory Pension Fund has not been released and a legal notice dated 30.12.2019 (Annexure P-4) has been served upon the respondents. It is submitted that in similar circumstances directions have been issued for payment alongwith interest 6% in **CWP No.260 of 2020 'Jaswinder Singh and others Vs. State of Punjab and others'** decided on 16.03.2020 (Annexure P-5).

Counsel, accordingly, submits that he would be satisfied if the said legal notice is decided by the competent authority, within a fixed time frame.

Notice of motion.

Ms. Sudeepti Sharma, Addl. AG, Punjab accepts notice on behalf of the respondents.

Keeping in view the fact that the decision making is incomplete, this Court is of the considered opinion that it is not necessary to call upon the respondents for filing reply, as it would delay the proceedings.

Accordingly, without commenting upon the merits of the case the present writ petition is disposed off with the direction to the respondents/competent authority to decide the legal notice dated 30.12.2019 (Annexure P-4) within a period of 2 months from the date of receipt of the certified copy of this order. In case, the petitioner is held entitled, the amounts be paid thereafter within a period of one month. The judgment passed in the case of **Jaswinder Singh (supra)** shall also be kept into consideration while taking into account the interest factor. In case, the relief is not admissible and the amount is not liable to be paid, reasoned order be passed and communicated to the petitioner forthwith.

Disposed off.

DECEMBER 03, 2020

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No