

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-14248-2021 (O&M)
Date of Decision: 30.07.2021

Rajinder Kumar & Ors.

... Petitioners

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. BS Sidhu, Advocate for the petitioners

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

Petitioners have filed the present writ petition *inter alia* with a prayer to direct the respondents to release the amount deposited by them towards contributory provident fund along with interest.

Counsel submits that the petitioners were appointed as temporary Special Police Officers (SPOs) in the year 1992-1995 in pursuance to the standing order dated 05.10.1990 followed by their absorption as Constables between the years 2004-2010. In terms of the notification dated 02.03.2004, the employees who were appointed after the date of notification were ordered not to be granted pension. The petitioners were accordingly ordered to be covered under the new Defined Contribution Pension Scheme. Eventually, the petitioners were allotted GPF numbers under the Old Pension Scheme. Thereafter, the petitioners requested the authorities to refund/release the amount which they contributed in the Contributory Provident Fund but despite legal notice dated 16.03.2021 (P7), no heed has been paid to their request.

Reliance has been placed on various judgments of this Court including in (i) CWP No.3760 of 2019 (Dharam Raj vs. State of Punjab & Ors.) decided on 26.03.2019 and (ii) CWP No.15003 of 2020 (Parveen Kumar & Ors. Vs. State of Punjab & Ors.) decided on 21.09.2020 (P9 & P11).

Notice of motion.

On the asking, Mr. Ayush Sarna, AAG Punjab accepts notice on behalf of the respondents through video conferencing.

At this stage, learned counsel makes a request that the petitioners would be satisfied if a direction is issued to the competent authority to decide the legal notice (P7) in a time bound manner.

Having heard learned counsel for the parties and without commenting upon the merits of the case, the writ petition is disposed of with a direction to the competent authority i.e. respondent No.3 to consider and decide the claim of the petitioners as contained in the legal notice (P7) by passing a speaking order within five months from the date of receipt of certified copy of this order.

Needless to say that in case the petitioner(s) is/are found entitled on merits to the claim as raised in the legal notice, necessary benefits be granted/released to them within one month from the date of decision of the legal notice.

So ordered.

30.07.2021

vishal shonkar

1. Whether speaking/reasoned?
2. Whether reportable?

(Girish Agnihotri)
Judge

Yes/No
Yes/No