

CWP No.21238 of 2021

Date of Decision : 29.10.2021

Harpreet Singh

...Petitioner

Versus

State of Punjab and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Baljeet Singh Sidhu, Advocate for the petitioner.

B.S. Walia, J. (VC)

[1] Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

[2] Prayer in the instant petition is for issuance of directions to the respondents to release the amount deposited by the petitioner towards Contributory Provident Fund along with interest accrued thereon.

[3] Learned counsel contends that the petitioner was initially appointed on the post of Special Police Officer on daily wages by following due process of selection i.e. advertisement, interview and medical examination on 28.02.1994 and was absorbed on the post of Constable on 09.01.2007. On 02.03.2004, the respondents issued notification vide which service rules were amended that employees appointed after 01.01.2004 would not be eligible for grant of pension and such employees were entitled to pension and other benefits in accordance with the Punjab Civil Services Rules. However, vide letter dated 12.12.2006, the respondents introduced a new Contributory Pension Scheme w.e.f. 01.01.2004 applicable to all newly

petitioner was treated as a new entrant without considering the past service rendered before the cut-of date.

[4] Learned counsel contends that the petitioner filed CWP No.864 of 2017 titled as 'Constable Balwinder Singh and others versus State of Punjab and others' and the same was decided on 17.07.2017 by directing the respondents to cover the petitioners under the old pension scheme by counting their service prior to the option. Pursuant thereto, the petitioner was held entitled to be covered under the Old Pension Scheme by counting service rendered prior to 01.01.2004 and he was also allotted GPF No.104510 by the respondent-department. Thereafter, the petitioner served service legal notice (Annexure P-5) dated 22.09.2020 for release of CPF contribution but no action has been taken, by the respondents on the claim made in the legal notice and that in the circumstances, the petitioner would be satisfied, if the writ petition is disposed of by directing respondent No.2 to consider and decide the claim made in legal notice (Annexure P-5) dated 22.09.2020, in accordance with law by taking into account all aspects of the matter, in a time bound manner.

[5] Notice of motion.

[6] Ms. Sunint Kaur, learned Asstt. AG, Punjab, accepts notice on behalf of the respondents and on perusal of the writ petition states that she has no objection to the limited prayer made by learned counsel for the petitioner.

[7] Accordingly, in view of the statement of learned counsel for the parties, the writ petition is *disposed of* by directing respondent No.2 to

22.09.2020, in accordance with law after taking into account all aspects of the matter within 03 months of receipt of certified copy of this order and in case the claim is accepted, to release the benefits to the petitioner as per his entitlement within four weeks thereafter.

29.10.2021

'Rajneesh'

(B.S. Walia)
Judge

Whether speaking/ reasoned

:

Yes/No

Whether reportable

:

Yes/No