

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

CWP No.4816 of 2021 (O&M)

Date of Decision.01.06.2022

Harcharan Singh and others

...Petitioners

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: None for the petitioners.

Mr. Pawan Sharda, Sr. DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a writ petition that has been filed seeking an appropriate writ, order or direction including a writ in the nature of mandamus, directing the respondents to release the amount as deposited by the petitioners towards Contributory Provident Fund along with interest accrued thereon.

In brief, the facts are that the petitioners were initially appointed as temporary Special Police Officers in the year 1991-1994 and were subsequently absorbed on the post of Constable on different dates between the year 2005-2011. The respondent-State had issued a notification on 02.03.2004 by which service rules were amended to the effect that employees, who are appointed after the date of notification, would not be entitled to pension and new Contributory Pension Scheme was made applicable to all recruits w.e.f. 01.01.2004. As the petitioners would now be covered under the Old Pension Scheme, they sought refund of their contribution made under the New Contributory Pension Scheme. Since the said refund was not made to the petitioners, they approached this Court.

Pursuant to notice of motion order, reply has been filed by way of affidavit of Jaswinderpal Singh, PPS, Dy. Supdt. of Police/Adjutant, 5th I.R. Bn., Amritsar on behalf of respondents No.1 to 4. As per the affidavit dated 19.08.2021, the contributory provident fund as claimed by the petitioners stand deposited in their bank accounts.

Learned counsel appearing on behalf of the respondent-State would submit that the necessary relief has been allowed to the petitioners and therefore, nothing survives in the instant petition.

In view of the reply filed by the respondents, this writ petition stands disposed of as having been rendered infructuous, leaving it open to the petitioners to re-agitate any claim that still survives by approaching this Court for revival of the writ petition.

(JAISHREE THAKUR)
JUDGE

June 01, 2022

Pankaj*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No