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

(116) **CWP No. 17616 of 2022 (O&M)**
Date of Decision : 10.08.2022

Dharam Pal Dikshit

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naresh K. Chhokar, Advocate for the petitioner.

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Harsimran Singh Sethi J. (Oral)

CM-12101-CWP-2022

Application is allowed, as prayed for.

CWP-17616-2022

In the present petition, the challenge is to the letter dated 17.02.2021 (Annexure P-2) by which the petitioner has been asked to deposit employee's share of CPF for the period he intends to include as qualifying service, along with interest.

Learned counsel for the petitioner submits that petitioner has no objection in paying the amount for the period in question alongwith interest but as the respondents are yet to calculate the arrears, which the petitioner is entitled for, hence the said amount can be deducted by the respondents from the arrears and the petitioner can be paid the remaining amount.

Notice of motion.

On the asking of the Court, Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that once it is the liability of the petitioner to deposit the contribution alongwith interest for the period it was not deposited, no infirmity can be found in the order by which the petitioner has been directed to deposit the said amount. Learned State counsel further submits that as the present is a case with regard to the demand of agreed contribution, no reply needs to be filed with respect to whether the same should be deposited by the petitioner or can be deducted from the arrears.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The petitioner is not denying his liability to pay the contribution for the period it was not deducted, along with interest. The only request is that the same should be deducted from the arrears for which the petitioner becomes entitled for rather than asking the petitioner to deposit first and then to release the arrears.

In this Court, involving similar question of law, the similar prayer of the petitioners therein have already been accepted by the Government of Haryana, wherein, the contribution has been deducted from the arrears for which employees became entitled for. One such order is passed in CWP No. 4271 of 2015 titled as ***Usha Wadhwa Vs. State of Haryana and others,*** decided on 14.11.2019. Once, the State has accepted the similar prayer in the case of ***Usha Wadhwa's case(supra),*** there is no question why the petitioner cannot be granted the same benefit.

Keeping in view the above, the impugned order dated 17.02.2021 (Annexure P-2) is quashed. Let the respondents deduct the contribution for which the petitioner is liable to pay along with interest from the arrears admissible to him.

Petition is allowed in above terms.

August 10, 2022 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes