

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

CWP-27362-2016

Date of Decision: 28.07.2022

Baba Sarwan Nath Senior Secondary School, Pehowa Petitioner

Versus

The Regional Provident Fund Commissioner and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Raj Kaushik, Advocate,
 for the petitioner.

 Mr. Sandeep Goyal, Advocate,
 for respondent No.1.

 Mr. Harish Rathee, Deputy Advocate General, Haryana,
 for respondent No.2 and 3.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent No.1 to decide and consider the case of the petitioner for grant of exemption from the Employees Provident Fund Miscellaneous Provisions Act, 1952, in terms of the order dated 05.03.2009 (Annexure P-5) passed by this Court; as also seeking issuance of a writ of mandamus directing the respondent No.1 not to effect recovery from the petitioner, in terms of the order dated 05.03.2009 (Annexure P-5) and to direct respondent No.1 to release the bank accounts of the petitioner.

Learned counsel for the petitioner submits that during the pendency of the present petition, the amount assessed by respondent No.1 already stands deposited by the petitioner-school. However, this deposit has been paid only to discharge the statutory liability assessed by respondent No.1, to avoid further complication. Otherwise, the petitioner-school had deposited the CPF contribution amount with the State of Haryana for a period from 1982 till 1991. The said amount, at least, now deserves to be

refunded to the petitioner-school by the State of Haryana.

Learned counsel for respondent No.1 has also not disputed the fact that the amount assessed by them for the above-said period stands deposited.

On the other hand, learned counsel for the respondent-State has submitted that there was no claim against the respondent-State qua the refund of any amount. This is a new proposition being argued by the petitioner-school. That claim is not claimed in the present petition. Hence, the same cannot be granted.

Faced with this situation, learned counsel for the petitioner submits that he be permitted to withdraw the present petition with liberty to raise its claim for refund of the amount of CPF contribution from 1982 till 1991 which already stands deposited with the State of Haryana. If the State authority do not refund the amount, the petitioner-school would approach the Court again.

In view of the above, the present petition is dismissed as withdrawn with liberty to the petitioner-school to raise its claim before the State authorities and, in case, any adverse order is passed against it, then it shall be at liberty to approach this Court again to challenge the said order.

Dismissed as withdrawn, with liberty aforesaid.

(RAJBIR SEHRAWAT)
JUDGE

28.07.2022
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No