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

**CWP-480-2023
Date of Decision: 31.01.2023**

Baldev Kumar Petitioner
Versus

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.S. Sihag, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of *mandamus* for directing the respondents to pay the entire amount of mandatory dues towards Provident Fund due and payable to the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner has submitted that the petitioner had retired from the post of Sanitary Inspector on 31.12.2018 from the service of Municipal Corporation, Amritsar-Respondent No.3 on attaining the age of superannuation and immediately on his retirement, the Provident Fund was to be paid by respondent No.3-Corporation but till date the same has not been paid despite the fact that repeated requests were made by the petitioner to respondent No.3. He further submitted that thereafter

vide Annexure P-1, a representation dated 20.12.2022 was also given to the Commissioner, Municipal Corporation, Amritsar for the payment of complete amount of Provident Fund along with interest but still no action has been taken by respondent No.3. He also submitted that at this stage his limited prayer may be considered for issuing direction to respondent No.3 for considering and deciding the representation (Annexure P-1) in accordance with law within a time framework.

Notice of motion.

Ms. Ambika Bedi, AAG, Punjab accepts notice on behalf of respondent Nos.1 & 2.

Mr. Vikram Preet Arora, Advocate has caused appearance on behalf of respondent No.3 and has stated that in view of the limited prayer of the learned counsel for the petitioner at this stage, he has no objection in case the directions are issued for considering the representation of the petitioner in accordance with law.

In view of the aforesaid position and also the limited prayer made by the learned counsel for the petitioner at this stage, the present writ petition is disposed of with a direction to respondent No.3 to consider and decide the representation (Annexure P-1) in accordance with law and within a period of three months from today.

In case, the petitioner is found to be entitled for grant of the aforesaid amount then the same shall be paid to the petitioner along with interest @6% within a period of next four weeks and in case, the petitioner is not found entitled for any reason whatsoever then the Commissioner, Municipal Corporation, Amritsar shall pass a well-reasoned speaking order.

The entire exercise has to be completed within a period of four months from today.

31.01.2023

(JASGURPREET SINGH PURI)

JUDGE

Bhumika

1. Whether speaking/reasoned:

Yes/No

2. Whether reportable:

Yes/No