

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.7381 of 2023 (O&M)

Date of decision : 13.04.2023

Kulwant Singh & ors.

..... Petitioners

versus

The State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Baljeet Singh Sidhu, Advocate
for the petitioners.

PANKAJ JAIN, J. (ORAL)

Present writ petition has been filed under Article 226/227 of the Constitution of India by the petitioners seeking issuance of writ in the nature of mandamus directing the respondents to refund the share of the petitioners' contribution towards the New Defined Contributory Pension Scheme along with interest in view of the judgment dated 30th of March, 2022 rendered in CWP No.35361 of 2019 titled as '*Constable Bikramjit Singh and others vs. State of Punjab and others*'.

Ld. Counsel for the petitioners at the outset contends that the legal notice dated 11.04.2022 filed at the behest of the petitioners is pending adjudication with the authorities and the same has been appended along with the present petition at Annexure P-5 and he limits his prayer for adjudication thereof in the light of the judgment rendered in *Constable Bikramjit Singh's case (supra)*.

Notice of motion.

Mr. Aman Dhir, DAG, Punjab, who is present in Court accepts notice on behalf of the respondents and fairly concedes that till date judgment at Annexure P-4 has not been challenged by the State. Therefore, he has no objection to the prayer made by counsel for the petitioners.

Without commenting on the merits of the case, the present petition is disposed off with a direction to respondent No.2 (The Director General of Police, Punjab Police Head Quarter, Sector-9, Chandigarh) to decide the legal notice dated 11.04.2022 (Annexure P-5) within 8 weeks from the date of receipt of certified copy of this order.

In case, the case of the petitioners are found to be covered by the judgment rendered by this Court in the case of '**Constable Bikramjit Singh and others' *ibid*** and are found to be entitled for the arrears along with interest, the same be released within a period of 8 weeks thereafter.

However, if the authorities find that the claim of the petitioners merits rejection, the same shall be rejected by passing a Speaking Order.

It is further clarified that in case, the claim of the petitioners merits acceptance and if the amount is not disbursed within the stipulated time frame, the same shall carry an interest @ 18% thereafter, which shall be recovered from the pocket of respondent No.2.

(PANKAJ JAIN)
JUDGE

13.04.2023

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No