

2023:PHHC:163910

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

CM-13529-C-2023
in/and
RSA-2831-2019 (O&M)
Date of decision: 20.12.2023

Bhundu Ram

....Appellant

Versus

The Chief Administrator, Haryana State Agricultural Marketing
Board, Panchkula and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.K.Verma, Advocate for the applicant/appellant

Ms. Nikita Goel, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

CM-13529-C-2023

1. After hearing learned counsel representing the applicant and for the reasons stated in the application, the appeal is restored to its original number. CM stands allowed.

2. With the consent of the learned counsel representing the parties, the main case is taken on Board for final disposal.

Main case

3. This appeal has been filed by the plaintiff. His suit for the grant of decree of declaration that he is entitled to get his past service counted for the pensionary benefits has been allowed. However, the appellant is aggrieved of the direction issued by the First Appellate Court directing him to deposit the amount of the

Contributory Provident Fund (hereinafter referred to as 'CPF') with interest. It is the case of the appellant that he is liable to deposit the amount of CPF, however, not with interest beyond December, 2006, when he started making representation.

4. This Court has considered the submissions made by the learned counsel representing the parties. The appellant served the Haryana State Minor Irrigation Tubewell Corporation between 17.05.1977 to 24.09.1992. Subsequently, he was appointed afresh in the Haryana State Agriculture Marketing Board in September, 1992. In the year 1992, the appellant was paid all the benefits. He filed a suit on 15.07.2014 claiming the benefit of the past service. The First Appellate Court, while relying upon the judgment passed in **Subh Karan Sharma and others vs. State of Haryana CWP-18370 of 2009** held that the prior service of the appellant is required to be counted for pension. However, it shall be subject to the deposit of the amount of CPF with interest.

5. Learned counsel representing the appellant contends that the plaintiff started making representations on 05.12.2006 and therefore, he cannot be directed to pay interest thereafter. As already noticed, the plaintiff joined the service of the Board in the year 1992. He began to make representations in the year 2006. All this while the amount remained with the appellant.

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6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence, dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

20.12.2023
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No