

211

2023:PHHC:149947

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

CWP-14459-2019

DECIDED ON: 23rd NOVEMBER, 2023

KULDEEP AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Nipun Verma, Advocate
for the petitioners.

Mr. Sandeep S. Mann, Addl. AG, Haryana.

Mr. Nischal Chetanya Manchanda, Advocate
for respondent No.3.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Articles 226 and 227 of the Constitution of India has been invoked by the petitioners, who are working as Sweepers in Municipal Council, Bhiwani, for directing the authorities to deposit the amount regularly deducted from their salary in their GPF accounts and make contribution in pension fund along-with interest which is not being deposited since long and also depositing installment of ADA/DA accrued to them from time to time in their GPF accounts and also to pay the medical allowance affix 1st ACP, 2nd ACP and 3rd ACP and salary regularly which is due since February, 2019.

2. Mr. Nischal Chetnaya Manchanda, learned counsel for respondent No.3 submits that the deduction whatsoever has been made from the petitioners has been

credited in their account, as is evident from the communication dated 04.10.2022 (Annexure R-3/1) attached with the short reply dated 20.03.2023 filed on behalf of respondent No.3.

3. A specific averment has been also been made in the said short reply, as is evident from para Nos. 2 to 5 of the same, which reads as under:-

“2. That the Municipal Council has already paid the amount of Provident Fund in the accounts of the employees through RTGS. Secretary Municipal Council Bhiwani had already written a letter to the Manager, The Bhiwani Central Co-operative Bank, Bhiwani for depositing the PF. amount from August, 2022 to September, 2022. One cheque bearing no. 351249 dated 04.10.2022 amounting Rs.13,57,251/- of Indusind Bank has been handed over to the Manager, The Bhiwani Central Co-operative Bank Ltd. Bhiwani and it is also mentioned that the above said amount should be got deposited in the Provident Fund through RTGS and informed the Municipal Council. A copy of the letter dated 04.10.2022 is attached herewith the short reply as Annexure R-3/1 and its true translation is Annexure R-3/1/T.

3. That the answering respondent has already submitted the list of the employees alongwith PF Account number and amount of payment and the total amount has been handed over to the Manager, Central Co- operative Bank Bhiwani. A copy of the list of employees alongwith amount of PF as well as PF account number is attached herewith the short reply as Annexure R-3/2.

4. That the writ petition has been filed by the two petitioner referring that 1st and 3rd ACP has not been granted but no detail has been given with. regard to the appointment of the present petitioner as well as continuing on the post. It has also not been disclosed when the appointment raised was made as well as when their service has been regularized and from which date, the present petitioner is entitled ACP etc. The claim of ACP etc. is misconceived.

5. That the payment of PF of the employees has already been paid as per the statement sent by the Secretary, Municipal Council Bhiwani.

The PF amount is being deposited in the account of the employees and nothing is due toward the Municipal Council with regard to the PF of the employee. The writ petition filed by the present petitioner is rendered infructuous.”

4. In view of the afore-said reply and the stand taken by respondent No.3, nothing survives in the present writ petition, as such the same has become infructuous. Learned counsel for the petitioners is also satisfied and has not opposed to the disposal of the instant petition.
5. Disposed of as having been rendered infructuous.

23.11.2023
sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No