

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

CWP-9677-2023

Date of decision : 05.05.2023

BALBIR SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Jasbir S. Mohri, Advocate for the petitioner.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed by the petitioner 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**'

2. Ld. Counsel for the petitioner at the outset contends that the Legal Notice served at the behest of the petitioner through his counsel is pending adjudication with the authorities and the same has been appended along with the present petition at Annexure P-3 and he limits his prayer for adjudication thereof in the light of the judgment rendered in **Constable Bikramjit Singh's case** (supra).

3. Mr. Aman Dhir, DAG, Punjab appearing for the respondents fairly concedes that till date judgment at Annexure P-2 has not been challenged by the State and he has no objection to the prayer made by

counsel for the petitioner.

4. Without commenting on the merits of the case, the present petition is disposed off with a direction to respondent No.2 (Director General of Police (DGP) (Punjab), Sector-9, Chandigarh) to decide the Legal Notice dated 28th of February, 2023 (Annexure P-3) within **4 weeks** from the date of receipt of certified copy of this order.

5. In case, the case of the petitioner is found to be covered by the judgment rendered by this Court in the case of 'Constable Bikramjit Singh and others' *ibid* and is found to be entitled for the arrears along with interest, the same be released within a period of **4 weeks** thereafter.

6. In case, the authorities found that the claim of the petitioner merits rejection, the same shall be rejected by passing a Speaking Order.

7. It is further clarified that in case, the claim of the petitioner merits acceptance and the amount is not disbursed pursuant thereto within **8 weeks**, the same shall carry an interest @ 18% thereafter, which shall be recovered from the pocket of respondent No.2.

May 05, 2023

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No