

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12559-2023

Date of decision: 01.08.2023

Vijay Kumar

.....Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to pay interest as per the provisions of General Provident Fund Rules on delayed deposit of provident fund from the date the said amount was deducted every month from the salary till its actual deposit by respondent No.4 and to release the pension, gratuity, leave encashment, provident fund and other benefits.

Learned counsel for the petitioner contends that petitioner joined Punjab Water Supply and Sewerage Board as Pump Operator in the year 1989 and was posted at Ferozepur. Petitioner worked there till 31.07.2005 and was transferred to Municipal Council, Ferozepur and subsequently, his post was re-designated as Technician Grade-III in February 2013. It is pertinent to mention here that the petitioner was again sent on deputation with Punjab Water Supply and Sewerage Board, Ferozepur in the month of September, 2014 and had continued to work there till his retirement on attaining the age of superannuation on 31.12.2022. He submits that petitioner served with Municipal Council, Ferozepur from August 2005 till August 2014, provident fund @ 10% of the pay was deducted every month from his salary, however, the same was not deposited

with the concerned authorities as required under the General Provident Fund Rules. Learned counsel submits that the petitioner was paid part of provident fund of Rs.3.80 lacs only and the remaining benefits have not been released to the petitioner. He further submits that petitioner has served a legal notice dated 17.04.2023 (Annexure P-3) to the respondents, which has not been taken into consideration till date and he would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 to 3 and does not object to the prayer made by learned counsel for the petitioner.

On asking of the Court, Mr. Sanjeev Soni, Advocate, who is also present in the Court, accepts notice on behalf of respondents No.4 to 6.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the legal notice dated 17.04.2023 (Annexure P-3), respondents No.4 to 6 are directed to decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

01.08.2023
Sapna