

CWP No. 17594 of 2022 (O&M)

2023:PHHC:146733

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107+282)

CWP No. 17594 of 2022 (O&M)

Date of Decision : 20.11.2023

Sunehra Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nonish Kumar, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, Deputy Advocate General,
Haryana.

Ms. Swati Dayalan, Advocate for respondent No. 4.

Harsimran Singh Sethi J. (Oral)

CM-17179-CWP-2023

Present application has been filed for placing on record short
reply filed on behalf of respondent No. 4.

Application is allowed and short reply filed on behalf of
respondent No. 4 is taken on record.

CWP-17594-2022

1. In the present petition, the prayer of the petitioner is for
quashing of the order dated 11.05.2022 (Annexure P-9) by which the
petitioner has been declined the benefit of interest on GPF amount for the
period from November, 2003 to 31.03.2006.

2. It may be noticed that the petitioner was working with the respondents as an Inspector when his services were terminated vide order dated 09.12.2003. The said punishment was challenged by the petitioner by filing CWP No. 18546 of 2005, which was allowed and the order dated 09.12.2003 terminating his services was set-aside but a liberty was given to the respondents to hold the disciplinary proceedings against the petitioner in accordance with law.

3. As by the said period of time, the petitioner had already attained the age of superannuation, the respondents passed an order imposing the punishment of cut in pension, which punishment was set-aside by the appellate authority on 11.06.2010 meaning thereby that the petitioner is to be treated as in service upto 31.03.2006 i.e. upto the date of superannuation.

4. The grievance of the petitioner is that the interest on the GPF amount will only be paid upto the date of termination of the petitioner and not upto the date when he retired, hence, he is entitled for interest upto November, 2003 and not upto 31.03.2006.

5. Learned counsel for the respondents, on the other hand, submits that as the petitioner's services were terminated in November, 2003 though keeping in view the subsequent event he was treated on duty upto the date he attained the age of superannuation i.e. 31.03.2006 but as the petitioner was not in actual service at that time, no GPF amount was deducted, hence, no interest is to be paid.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It is a conceded fact that the services of the petitioner were terminated in November, 2003, which order was challenged by the petitioner but keeping in view the subsequent proceedings, the petitioner has been treated in service and thereafter to have superannuated on 31.03.2006. Once, the petitioner is deemed to be in service upto 31.03.2006, he will be entitled for interest on the GPF amount upto the date till he was in service. As per the rules governing the service, the GPF amount is only to be paid at the time of retirement and once, it is a conceded fact that petitioner has retired on attaining the age of superannuation on 31.03.2006, the petitioner is entitled for interest on the GPF amount upto the said date only.

8. Keeping in view the above, the respondents are directed to grant the petitioner the interest @ 6% per annum on the GPF amount for a period November, 2003 till March, 2006. Let the order be complied with within a period of two months from the receipt of certified copy of this order.

9. Petition is allowed in above terms.

November 20th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No