

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

CWP No.23589 of 2016

Date of decision : 16.03.2023

Harbans Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Balbir S. Sewak, Advocate
 for the petitioner.

Mr. Inderpreet S. Kang, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

Prayer is for issuance of a writ in the nature of mandamus directing the respondents to refund the amount deducted from GPF account of the petitioner along with interest. Challenge to the order dated 10th of August, 2015 passed by respondent No.3 whereby the claim of the petitioner for interest on the GPF amount has been rejected.

2. Petitioner was working as ASI when he booked in FIR No.48 dated 8th of October, 2023 registered for the offence punishable under Section 7 read with Section 13(2) of the Prevention of Corruption Act, 1988. The trial resulted in conviction and the petitioner was ordered to be dismissed from service on 20th of January, 2008. Petitioner sought withdrawal of his contribution from GPF account. On 21st of May, 2015 he was conveyed that an amount of

Rs.5,47,000/- was balance in his GPF account whereas as per closing balance for the year 2007-2008, the petitioner had balance of Rs.6,98,567/- in his GPF statement. As per the respondent-department Rs.54,000/- was wrongly deposited in the account of the petitioner. However, while recovering the said amount of Rs.54,000/-, deduction of Rs.1.5 lac was made. The petitioner thus prayed for refund of wrongly deducted excess amount along with interest @ 8% per annum.

3. On 14th of September, 2022, this Court passed the following order:-

“Copy of the Provident Fund Ledger of the petitioner, as produced by learned State counsel in Court today, is taken on record.

Learned counsel for the petitioner herein would contend that the petitioner has been released the Provident Fund only in the year 2015, however, the same does not carry the interest from the time it was lying deposited with the Government on account of his dismissal from service i.e. in the year 2008.

Learned State counsel seeks time to get the necessary instructions in this regard.

Adjourned to 23.11.2022.”

4. Today Mr. Kang in support of the impugned order has pressed upon the Note appended to Rule 13.13 of the Punjab Civil Services Rules (Volume II) to contend that where the subscriber is dismissed, removed or retired prematurely or compulsorily from the service of government interest will not be admissible.

5. I have heard counsel for the parties and have gone through

records of the case.

6. Note 1 being relied upon by the State Counsel reads as under :

“**Note 1.** - When a subscriber is dismissed, removed or retired prematurely or compulsorily from the service of Government but has appealed against his removal, the balance at his credit shall not be paid over to him until final orders confirming the decision are passed on his appeal. Interest, shall, however, be paid on the balance up to the end of the month preceding that in which such orders are passed.”

A bare perusal thereof would reveal that there is nothing in the Note appended to the Rule which denies interest. It is only to take care of an eventuality where the subscriber having been dismissed, removed or retired prematurely or compulsorily from the service files an appeal against such punishment the balance to his credit is retained so that in case the Appellate Authority passes substituted punishment like recovery etc. the same can be taken care of.

7. Resultantly, the resistance at the hands of the State is found to be unsustainable. The present writ petition is allowed. Respondents are directed to refund the amount deducted from the GPF account of the petitioner along with interest @ 8% per annum. Necessary amount be released within a period of three months from the date of receipt of certified copy of this order.

March 16, 2023

Dpr

(PANKAJ JAIN)
JUDGE

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