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

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Date of Decision:07.08.2023

Tarsem Singh

... Petitioner

V/s.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Malkiat S. Hundal, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.(Oral)

Present writ petition has been filed under Article 226/227 of the Constitution of India by the petitioner seeking issuance of writ in the nature of mandamus for directing the respondents to pay the entire amount of mandatory dues towards Provident Fund payable to the petitioner along with interest @12% per annum from the date of appointment of the petitioner till the date of his retirement i.e. 31.12.2019 when the same was deducted from his monthly salary during the period 2013-14 to 2019-2020 by the respondent No.3 but wrongly and illegally said amount was not

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deposited in his provident fund account bearing Account No.4383 and further prayed for a direction to respondents to pay interest @ 12% per annum on the outstanding amount of provident fund dues as same is mandated by Section 7 Q of Employees' Provident Funds and (Miscellaneous Provisions) Act, 1952.

Learned counsel for the petitioner submits that the petitioner joined the respondent No.3 department as Beldar and retired after attaining the age of superannuation on 31.12.2019. He further submits that the petitioner on his retirement was paid his dues amounting to Rs. 6,28,283/- towards provident fund but when the petitioner went through the statement of his provident fund he came to know that respondent No.3 despite deducting his monthly contribution towards provident fund during the period 2013-14 to 2019-20 had not deposited the same in his provident fund account resulting into deficit payment of around Rs.3,47,478/- inclusive of interest to him till May, 2023. Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance in the representation dated 25.05.2023 (Annexure P-1), which is still pending consideration with respondents and the petitioner will be satisfied at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

At this stage, on the asking of the Court, Mr. Arun Gupta,

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AAG, Punjab who is present in the Court accepts notice on behalf of respondents No. 1 to 2 and Mr. Sanjeev Soni, Advocate has put in appearance on behalf of respondent No. 3 and raised no objection in deciding the representation dated 25.05.2023 (Annexure P-1) in a time bound manner by passing an appropriate speaking order.

I have heard learned counsel for the parties and have gone through the record of the case.

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 representation, respondents are directed to decide the representation dated 25.05.2023 (Annexure P-1), by passing a speaking order within a period of eight 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 legal notice and if there is no legal impediment involved, necessary disbursement of funds shall be made to him within a period of eight weeks thereafter.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

07.08.2023
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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No