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

**CWP-8272-2015 (O&M)
Date of Decision: 17.01.2023**

Dr. Barjesh Kumar Modi

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikas Mohan Gupta, Advocate,
for the petitioner.

Mr. Akshita Chauha, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ, order or direction especially in the nature of mandamus for directing the respondents to release the GPF of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner had joined the service of the respondent/State in the year 1978 and he resigned from the service on 01.07.1988 and thereafter, his GPF has now been paid during the pendency of the present writ petition in the year 2015. He further submitted that although the GPF has been paid but interest regarding the same has not been paid.

On the other hand, Ms. Akshita Chauhan, DAG, Punjab has submitted while referring to the affidavit filed by the Director, Health

Services (S.I.) Punjab that the petitioner remained absent from duty unauthorisedly w.e.f. 01.06.1986 and thereafter, he submitted his resignation on 01.07.1988 during the course of his absence and he did not apply any leave etc. She further submitted that the petitioner has already been paid his GPF contribution along with interest vide order dated 21.05.2015. She referred to Para 3 of the reply on merit that the resignation of the petitioner has been accepted vide order dated 01.10.2015 and immediately thereof, the GPF along with interest has already been paid to him, and therefore, the present petition has become infructuous. So far as the prayer of petitioner for grant of interest on the GPF is concerned, the resignation has been accepted on 01.10.2015 and immediately thereafter, the GPF has been paid and therefore, there is no delay on the part of the respondent-Department and the petitioner is not entitled for the interest.

I have heard the learned counsel for the parties.

During the pendency of the present writ petition, the GPF has been paid to the petitioner vide letter dated 21.05.2015. The petitioner had submitted his resignation on 01.07.1988 and his resignation has been accepted on 01.10.2015. It appears that the GPF has been paid to the petitioner even few months prior to the acceptance of the resignation. So far as the prayer of the petitioner for release of GPF contribution is concerned, the prayer of the petitioner has undoubtedly become infructuous. So far as the prayer of petitioner for grant of interest is concerned, it is not in dispute that the resignation of the petitioner was accepted in the year 2015 and the GPF has been paid to him in the year 2015 itself and it is not the case of the petitioner that his resignation has been wrongly accepted in the year 2015

and not from the year 1988 nor any challenge has been laid in that regard. Therefore, no further interest can be granted to the petitioner regarding the same.

In view of the above, the present petitions is disposed of as having been rendered infructuous.

17.01.2023

(JASGURPREET SINGH PURI)

JUDGE

Bhumika

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No