

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 20607 of 2022

Date of Decision: 01.02.2023

Sukhwinder Singh and Others

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Baljeet Singh Sidhu, Advocate
for the petitioner(s).

Mr. Vikas Arora, Assistant Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. This writ petition has been filed for issuance of a writ in the nature of mandamus to direct the respondents to release the full amount deposited by the petitioners towards the contributory provident fund along with 8.1% interest accrued thereon.

2. This writ petition has been filed in the month of December, 2022. In response to the writ petition, the respondents have filed an affidavit stating that the payment in favour of the petitioners has been released in the month of January, 2021. The learned counsel representing the petitioner admits that fact. However, he submits that the amount is liable to be paid along with the interest. He relies upon the judgment delivered in *J.S.Cheema v. State of Haryana and Others (Civil Writ Petition No. 15867 of 2021)*, extract of which is reproduced at page 21.

somewhere in the month of December, 2007. As per the prevalent scheme, the petitioners became members of the Contributory Pension Scheme of the government w.e.f. 01.01.2004. However, subsequently, on the intervention of the Court, the petitioners, who were recruited as Multipurpose Health Workers, were held entitled to pension as per the Scheme prevalent before the year 2004.

4. As already noticed, the amount contributed by the petitioners has already been released. The learned counsel representing the petitioner insists that this Court should refer to the judgment in *Constable Bikramjit Singh and Others v. State of Punjab and Others (Civil Writ Petition No. 35361 of 2019, decided on 30.03.2022)* (Annexure P9). The aforesaid judgment is in the facts of that case. In this case, the petitioners filed the writ petition in December, 2022, while asserting that the amount deposited by the petitioners towards the contributory provident fund has not been refused. Whereas the aforesaid amount stood refunded in the month of January, 2021.

5. In view of the aforesaid, this Court does not find it appropriate to exercise its writ jurisdiction only for grant of interest particularly when the petitioners filed the writ petition by making incorrect averments. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

February 01, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No