

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101) CM-12131-CWP-2023 in/and
CWP-6995-2017
Date of Decision : August 03, 2023

Nirmala Devi .. Petitioner

Versus

State of Haryana and another .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjeev Sharma, Advocate, for the applicant-petitioner.

Mr. Pankaj Middha, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-12131-CWP-2023

Present application has been filed for recalling the order dated 25.07.2023, by which, the present writ petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Pankaj Middha, learned Addl. Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The order dated 25.07.2023 is recalled and the writ petition is restored to its original number and status.

1. Present petition has been filed challenging the action of the respondents so as to compute the General Provident Fund, which was admissible to the husband of the petitioner.

2. As per the writ petition, the balance amount of GPF as on 01.01.2016 was Rs.1,16,433/- whereas, the petitioner was actually paid only an amount of Rs.1429.

3. Learned counsel for the petitioner argues that even as per the balance sheet prepared, the husband of the petitioner was entitled for Rs.1,16,433/- and the said amount should have been released in favour of the petitioner hence, the respondents are liable to be directed to release the remaining amount.

4. Upon notice of motion, the respondents have filed the reply wherein, they have mentioned that in the year 1991-92, while recording the figures in the GPF, the same were wrongly entered in the balance sheet and the said fact came to the notice of the Department when the payment was required to be disbursed to the petitioner's husband at the time of retirement. As per the reply, in the year 1991, GPF deductions for which the petitioner was entitled for was Rs.3233/- whereas, inadvertently the same was entered as Rs.19723/-.

5. As per the respondents, only the clerical error has been rectified so as to depict the correct entitlement of the petitioner's husband and the petitioner has no right to claim a particular amount which was incorrectly recorded in the balance sheet.

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

7. It may be noticed that the claim of the petitioner is that whatever was recorded in the balance sheet should be allowed in her favour rather than correcting the said balance sheet. There is not even a single averment that the husband of the petitioner was entitled for GPF amounting to the tune of Rs.1,16,433/- instead of an amount for which entitlement has been recorded after correcting the clerical error.

8. The only argument raised is that in case, an incorrect figure was entered in the records and same was continuing for a period of 24 years, the respondents were debarred from correcting the said discrepancy.

9. The said argument of the learned counsel for the petitioner cannot be accepted as the Department is well within its right to correct the discrepancy which might have occurred at one given point of time so as to extent correct amount for which an employee is entitled for.

10. It is not a case that any amount which was already paid to the petitioner is being demanded back on account of the said rectification but in the present case, before the payment of GPF could be made to the petitioner, the said discrepancy was noticed and corrected, hence, in the facts and circumstances of the present case, the petitioner cannot raised any grievance qua the GPF amount paid to her.

11. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

12. Dismissed.

August 03, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes