

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

105

CWP-30286-2022

Date of decision:05.01.2023

Kulwant Rai

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Shaveta Sanghi, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

Instant writ petition has been filed under Article 226/227 of Constitution of India for issuance of a writ in the nature of mandamus directing the respondents for release of service benefits particularly General Provident Fund, which has been withheld, alongwith interest from the date of dismissal.

Counsel for the petitioner submits that the petitioner has been convicted vide judgment and order dated 03.11.2016 in FIR No.31 dated 12.08.2015 registered for offence under Sections 07 and 13 of the Prevention of Corruption Act, 1988 by learned Sessions Judge, Sirsa. She submits that the petitioner has filed an appeal bearing No.CRA-S-3147-SB-2016, which is pending before this Court, his sentence has been suspended and he has been released on bail. She submits that petitioner has been dismissed from service vide order dated 10.12.2018 and as per statement of account, GPF amount lying with the respondents is more

than Rs.21 lacs, which has been illegally withheld. Reliance has been placed by her upon the judgments of this Court in Gurcharan Singh Versus State of Punjab 1999 (2) S.C.T. 817 and Krishan Lal Versus State of Punjab and others 2017 (2) S.C.T. 38 to contend that payment of General Provident Fund, which has been held to be property of the employee, cannot be denied even if the employer stands convicted in a criminal case and appeal against conviction is pending. Counsel submits that a representation was submitted in the year 2019, a copy of which is not available with the petitioner, but he has again approached the authorities by way of a fresh representation dated 02.12.2022, Annexure P-2. Counsel submits that the petitioner will be satisfied, in case, a direction is issued to the concerned respondent to look into the same.

Notice of motion.

On asking of the Court, Mr. Pankaj Middha, Addl. A. G., Haryana, accepts notice on behalf of the respondents.

Noticing the prayer made by counsel for the petitioner, writ petition is disposed of with a direction to the Deputy Commissioner, Sirsa-respondent No.3 to consider the representation, Annexure P-2, and to pass an appropriate administrative order within a period of 04 months from today.

05.01.2023
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No