

121

2023:PHHC:159353

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

CWP-27786-2023

Date of decision : 12.12.2023

Waziran

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr.Puneet Kumar Bansal, Advocate
for the petitioner.

DEEPAK MANCHANDA, J.

Petitioner-Waziran has filed this writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to pay interest as per the provisions of The Punjab General Provident Fund Rules on delayed deposit of amount of provident fund from the date the said amount was due to be deposited till the date of retirement; to release gratuity, leave encashment, provident fund and all other benefits and further to pay interest @18% on late release of retiral benefits from the date of retirement till the date of its actual payment.

Learned counsel for the petitioner submits that the petitioner-Waziran joined the respondent/department as Safai Sewak on 01.09.1988 and was posted with Municipal Council, Ferozepur City. She retired from the same post on 31.08.2023. The provident fund @ 10% of the pay was deducted from her salary as contribution under General Provident Fund Scheme, however, the

same was not deposited with the concerned authority by Municipal Council Ferozepur City. Therefore, due to non-deposit of provident fund, she has suffered loss of interest. After retirement, petitioner was entitled to pension, gratuity, leave encashment, provident fund etc, but she has been paid only part benefits of Rs.4 lakhs and pension, but the remaining retiral benefits are still due. Learned counsel for the petitioner further submits that petitioner has already raised the grievance in the legal notice dated 30.10.2023 (Annexure P-3), 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, AAG, Punjab, who is present in Court accepts notice on behalf of respondent Nos. 1 and 2.

At this stage, Mr. Sanjeev Soni, Advocate appears and accepts notice on behalf of respondent No.3.

Learned State counsel submits that respondent No.3 is the competent authority to decide the legal notice and raises no objection in deciding the legal notice dated 30.10.2023 (Annexure P-3) 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 legal notice, respondent No.3 is directed to decide the legal notice dated 30.10.2023 (Annexure P-3), by passing a speaking order within a period of eight weeks from the date of receipt of copy of this order and if there is no impediment, let needful be done within a period of further eight weeks in accordance with law.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

12.12.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No