

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.4193 of 2020 (O&M)
Date of decision: 10.01.2024

Niranjan Singh
.....Petitioner
Versus
Punjab State Electricity Board and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Ms. Monica Chhibber Sharma, Advocate
with Ms. Priyanka Goyal, Advocate
for the respondents.

NAMIT KUMAR J. (Oral)

1. The petitioner has approached this Court by filing the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of certiorari for quashing the order dated 28.11.2019 (Annexure P-11) vide which the claim of the petitioner seeking interest on the delayed release of pensionary benefits has been rejected.
2. Briefly stated, the facts of the case as pleaded in the petition are that the petitioner was appointed as T. Mate (R.T.M.) and joined his duties on 14.05.1973 at Thermal Plant, Bathinda and thereafter, he was promoted as Fitter and in the year 1981, he was absorbed as Assistant Lineman in Rajpura Division, Rajpura and joined his duties at Rajpura on 01.07.1981. Thereafter, the petitioner retired as Assistant Lineman on 31.05.2004. It is the case of the petitioner that

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since his work charge service rendered from 14.05.1973 to 30.06.1981 was not considered for the pensionary benefits, therefore, he filed CWP No.6416 of 2009, which was disposed of by this Court vide order dated 29.04.2009, with a direction to the respondents to consider and decide the legal notice dated 03.01.2009, served by the petitioner, within a period of 03 months. Thereafter, vide letter dated 30.06.2009, respondent No.3 demanded some information from the petitioner, which was supplied by him on 01.07.2009 and thereafter, the letter dated 02.07.2009, was sent by respondent No.3 to Regional Provident Fund Commissioner, Bathinda, demanding information that how much amount was paid to the account-holder No.P.N-4636/782 (petitioner) so that he may deposit the said amount. Thereafter, the revised pension payment order dated 28.06.2011 was issued by the respondents (Annexure P-8) and it appears that the petitioner again filed CWP No.13675 of 2009 titled as "*Niranjan Singh vs Punjab State Electricity Board and others*", wherein on an application filed by the petitioner for impleading the Regional Provident Fund Commissioner, Bathinda, for the purpose of furnishing the details of the amount paid to the petitioner on account of E.P.F., it was admitted by counsel for the petitioner that during the pendency of the said writ petition, the retiral benefits have been released in the month of May, 2019 and he was given liberty to file representation for claiming interest on the delayed retiral benefits and the said writ petition was disposed of by this Court vide order dated 10.09.2019. Thereafter, the petitioner served a legal notice dated 26.09.2019 upon the respondents for the release of interest on the

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delayed release of retiral benefits and the said claim has been rejected by the respondents vide order dated 28.11.2019 (Annexure P-11), which has been impugned in the present writ petition.

3. Learned counsel for the petitioner submits that the respondents/authorities had paid the retiral dues to the petitioner in May, 2019, whereas the petitioner is seeking the interest on the delayed payment of retiral benefits from the date of his superannuation i.e. May, 2004 and the claim of the petitioner seeking the aforesaid relief has wrongly been rejected by the respondents/authorities vide order dated 28.11.2019 and thus, there is a delay on the part of the respondents/authorities to release the retiral benefits to the petitioner.

4. On the other hand, learned counsel for the respondents strongly opposed the submissions made by learned counsel for the petitioner. Respondents on the strength of the averments made in the written statement submits that there is no delay on the part of the respondents/authorities in releasing the retiral benefits to the petitioner as he did not deposit his E.P.F. share on time inspite of issuance of letters dated 30.06.2009 and 09.07.2009, after he requested for counting of his work charge service rendered from 14.05.1973 to 30.06.1981 and the same was deposited by the petitioner on 22.03.2018 and thereafter, the retiral benefits of the petitioner were released on 01.05.2019 i.e. after a period of about 01 year, 01 month and 10 days.

5. After hearing learned counsel for the parties, it is not disputed that the petitioner retired on 31.05.2004 and after about 05 years from his date of retirement, he raised the issue of counting of his

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work charge service for the purpose of pensionary benefits from 1973 to 1981 and filed CWP No.6416 of 2009, which was disposed of by this Court vide order dated 29.04.2009, to consider his legal notice dated 03.01.2009 (Annexure P-2). In the second writ petition filed by the petitioner i.e. CWP No.13675 of 2009, the Regional Provident Fund Commissioner, Bathinda, was impleaded as respondent and in those proceedings, the counsel for EPF authority appeared before this Court on 30.11.2016 in said writ petition and provided calculation sheet in shape of office note dated 29.11.2016, mentioning therein that the EPF amount of Rs.10,144/- was to be deposited by the petitioner during the period of 01.07.1981 to 31.03.2018. The petitioner deposited the said amount of Rs.10,144/- on 22.03.2018. Upon depositing of the said amount the relevant retiral benefits as claimed by the petitioner were thereafter immediately released by the respondents on 01.05.2019. Prior to that, the petitioner was directed vide letters dated 30.06.2009 and 09.07.2009 for depositing his EPF share, it was not deposited by the petitioner and it was only on 22.03.2018, he deposited the said amount and consequently, the remaining retiral benefits were released on 01.05.2019, therefore, the petitioner is held entitled for the grant of interest @ 7% per annum on the delayed payment of retiral benefits from 22.03.2018 i.e. the date when he actually deposited his E.P.F. share till the date of payment i.e. 01.05.2019. The respondents are directed to carry out the necessary exercise and release the same within a period of 02 months from the date of receipt of the certified copy of this order.

6. With the aforesaid observations, the present writ petition is

disposed of accordingly.

(NAMIT KUMAR)
JUDGE

10.01.2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No