



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15179-1999 (O&M)
Date of decision: 23.07.2024

Ravi Kumar Soi
.....Petitioner

Versus

State of Punjab & Ors.
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. G.S. Saini, Advocate
for Mr. S.C. Chhabra, Advocate for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

Mr. M.S. Dhami, Advocate
for Mr. Y.P. Singla, Advocate for respondents No.2 and 3.

Mr. Rajesh Hooda, Advocate for respondent No.4.

NAMIT KUMAR J. (Oral)

The present petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking a writ of mandamus, directing the respondents to release service dues of the petitioner i.e. Provident Fund, Gratuity, HRA, Leave Encashment, Increments and Salary.

On 09.05.2017, the following order was passed:-

“Learned counsel for respondent No.4 has filed an additional affidavit of Lokesh Gupta, Assistant Provident Commissioner, Regional Office, Chandigarh, in the Court today and the same is taken on record. It is stated that the payment of EPF was made on 16.02.2000 vide cheque No.377563, dated 15.02.2000. On 18.10.2002, the account of the petitioner was settled and he was paid an amount of Rs.16,920/- vide cheque No.730943, dated 22.10.2002. It is also stated that in the additional affidavit, after three years, the record is weeded out.



Learned counsel for the petitioner contends that the amount was payable in the year 1992 but the same was paid by the employer to the EPF authority in the year 2000 and was released in the year 2002. The employer share was also not deposited or not?

Let the employer file an additional affidavit as to whether the interest was deposited from 1992 to 2000 and whether the employer share was also deposited.

However, the employer is always at liberty to pay the whatever amount as interest is due, directly to the petitioner.

List on 21.08.2017.”

In pursuance to the aforesaid order, an additional affidavit dated 06.07.2017 of Sh. Sutantar Kumar Arri, Managing Director, Punjab State Seeds Corporation, S.A.S. Nagar, Mohali, has been filed wherein it has been stated as under:-

“1. That the petitioner submitted his resignation on 27.12.1991 which was accepted by the respondent corporation vide letter dated 20.1.1992.

2. That the EPF amount of petitioner amounting to Rs. 14,407/- was deposited by the respondent corporation with the Regional Provident Fund Commissioner, Chandigarh vide letter dated 16.2.2000 (Annexure R-2) as per the following details.-

- i) Form No.1 : Rs. 6667/- (Employee's Share)*
- ii) Form No.2 : Rs. 733/- (Employee's Pension Share)*
- iii) Form No.10 : Rs 6667/- (Employer's Share*
- iv) Form No.21: Rs. 333/- (Admn. Charges)*
- v) Form No.22: Rs. 7/- (DLI (Deposit Link Insurance Charges)*
- Total Rs. 14,407/-*

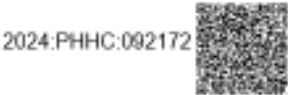


3. That the EPF account of petitioner was finally settled on 18.10.2002 by the respondent no.4-Regional Provident Fund Commissioner, Chandigarh and the aforesaid EPF amount of Rs. 14,407/- has since been released by the respondent no.4 to the petitioner alongwith upto date interest w.e.f. 16.2.2000 till 18.10.2002 vide cheque no. 730943 dated 22.10.2002 amounting to Rs. 16,920/-.

4. That so far as interest w.e.f 20.1.1992 till 15.2.2000 is concerned, the same does not seems to have been deposited by the then Superintendent (Accounts) of respondent corporation while depositing the EPF amount of Rs. 14,407/- with the respondent no. 4 on 16.2.2000 and said Superintendent (Accounts) has since retired. Since the matter is old one and the then Superintendent (Accounts) of respondent corporation who was dealing with the case of petitioner, has retired long back and it is also not discernible from the official record as to why, the interest w.e.f 20.1.1992 till 15.2.2000 on the EPF amount of Rs. 14,407/- was not deposited while depositing the EPF amount of Rs. 14,407/- on 16.2.2000 with the respondent no.4.

5. That in order to avoid any dispute, the respondent corporation is ready and willing to pay the interest to the petitioner on the EPF amount of Rs. 14,407/- w.e.f. 20.1.1992 till 15.2.2000 at such rate of interest as this Hon'ble Court may direct.”

Since it has been admitted by respondents No.2 and 3 in para 5 of the aforesaid affidavit that the respondent – Corporation is ready and willing to pay the interest to the petitioner on EPF amount of



Rs.40,407/- w.e.f. 20.01.1992 till 15.02.2000, at such rate of interest as this Court may direct. Accordingly, the present petition is disposed of.

Let the petitioner be granted the payment of interest @ 9% per annum w.e.f. 20.01.1992 till 15.02.2000 and the said amount be paid to him by respondent No.2 within a period of 02 months from the date of receipt of certified copy of this order.

Disposed of in the above terms.

(NAMIT KUMAR)
JUDGE

23.07.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No