

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:102486



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CWP No. 17582 of 2016 (O&M)
DECIDED ON: 8th August, 2024

Deepak Anand and others

.....PETITIONERs

VERSUS

State of Punjab and others

.....RESPONDENTs

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Batra, Advocate for petitioners.
Mr. Arun Gupta, DAG Punjab.

HARSIMRAN SINGH SETHI, J (ORAL)

In the present petition, the grievance of the petitioners is that the petitioners have not been granted the benefit of Contributory Pension Scheme from their date of appointment i.e. 2006/2007 and rather, the said benefit has only been given from the year 2009 onwards which act on the part of respondents is arbitrary.

2. Learned counsel for the petitioners further submits that a similar claim was raised in *CWP No. 5906 of 2013 titled Balwinder Singh and others Versus State of Punjab and others*, wherein the Deputy Director Department of Rural Development and Panchayat has passed an order dated 1.3.2013 by which, it was decided that the contributory provident fund shall be deposited in the account of the petitioners therein from the date of appointment hence, keeping in view the said decision dated 1.3.2013, the claim of the petitioners therein i.e. Balwinder Singh and others (supra) had been rendered infructuous. But the same relief is not being extended to the petitioners without any valid justification.

3. Learned counsel for the respondents submits that the claim of the petitioners is not to be considered in the light of fact that the petitioners

have never deposited the contributory provident fund from the date of initial appointment and the same was only deducted for the first time in the year 2009 and therefore, once the petitioners never deposited their share from the date of initial appointment, the benefit of contributory provident fund scheme from the date of initial appointment cannot be extended to the petitioners.

4. Learned counsel for petitioners submits that the petitioners are ready to deposit their share of the contribution from the date of initial appointment and for the period it has not been deposited same will be deposited along with the statutory interest and the respondents be directed to grant the benefit of the contributory provident fund scheme from the date of initial appointment keeping in view the decision of the Government dated 1.3.2013.

5. Learned counsel for respondents on instructions from Mr. Ashok Kumar, Superintendent submits that in case, the petitioners deposit their share of contribution from the date of initial appointment qua the period, the same was not deposited, along with statutory interest, the petitioners will also be given benefit of the decision of the Deputy Director Department of Rural Development and Panchayat, dated 1.3.2013.

6. Learned counsel for the petitioners submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further with liberty to deposit the contribution for the period the petitioners has not deposited the same with the respondents/Department along with interest.

(HARSIMRAN SINGH SETHI)
JUDGE

8th August, 2024
reema

Whether speaking/reasoned Yes
Whether reportable No