

CWP-21188-2015

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

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**CWP-21188-2015
Decided on: February 06, 2024**

Puran Chand

...Petitioner

Versus

Presiding Officer, Industrial Tribunal, Gurdaspur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Neha Jain, Advocate, for the petitioner.

None for respondent No. 2.

SANJAY VASHISTH, J.

1. Petitioner – Puran Chand has directed the present writ petition, challenging the order dated 22.05.2013 (Annexure P-2), whereby learned Industrial Tribunal, Gurdaspur (here-after referred to as ‘the Tribunal’), while adjudicating the application bearing No. 147/10 of 08.06.2010, under Section 33C (2) of the Industrial Disputes Act, 1947 (for short, ‘the Act’), dismissed the claim raised by the petitioner-applicant.

2. Facts in brief are that the petitioner-applicant approached the Tribunal by filing an application under Section 33C (2) of the Act, pleading therein that he was working as a Junior Assistant with the respondent Council, i.e. Municipal Council, Dinanagar, and on attaining the age of 58 years, retired from service on 31.12.2009. After retirement, respondent Municipal Council paid provident fund amount to the petitioner-applicant. However, petitioner-applicant pleaded that while making payment of provident fund, lesser payment of Rs.51,744/- was made by the respondent-

Municipal Council.

3. In the written statement filed before the Tribunal, the factum of payment of lesser amount of Rs.51,744/-, was admitted by the respondent-Municipal Council by stating that the said set of amount was deducted out of Contributory Provident Fund, for depositing the same with the Regional Deputy Director, Local Government Punjab, Amritsar, towards the pensionary benefits. Due to depositing of the said amount with the said authority, petitioner-applicant is receiving pensionary benefits from the department. It was further pleaded by the respondent-Municipal Council that the said deduction was done as per the provision of Rule 5 of the Punjab Municipal Corporation Employees Pension and General Provident Fund Rules, 1994 (here-after referred to as, 'the 1994 Rules').

4. After completion of pleadings and adducing of evidence, learned Tribunal dealt with the question/issue - '***as to whether the applicant is entitled to the amount claimed?***'

5. On the basis of the evidence, learned Tribunal reached to the conclusion that the amount of Rs.51,744/- has been rightly deducted and the same is deposited with the Department, resulting thereto the petitioner-applicant has been receiving pension according to Rule 5 of the 1994 Rules. Therefore, in the absence of any other evidence contrary to the stand taken in the pleadings, learned Tribunal has dismissed the application under Section 33C(2) of the Act, filed by the petitioner-applicant.

6. Having gone through the pleadings taken in the writ petition, as also the submissions addressed by learned counsel for the petitioner-

applicant, this Court is of the view that in the absence of any other evidence, there was no occasion for the Tribunal to give any other finding. In fact, there appears to be no dispute on facts pleaded by both the sides and, therefore, one and the simple question which arises for consideration is whether the amount of Rs. 51,744/- has been rightly deducted and deposited towards Contributory Provident Fund (CPF), for extending pensionary benefits to the petitioner-applicant or not.

Since there is no other material/evidence available on record, this Court is also unable to deviate from the view point taken by the Tribunal. There is also no dispute that the petitioner-applicant has received an amount of Rs. 2,74,599/-, which was excluding the amount of Rs.51,744/- of Contributory Provident Fund. Nothing is pointed out nor this Court is able to take a contrary view to the findings recorded by the Tribunal.

7. As a sequel to the above discussion, this Court comes to the conclusion that there is no merit in the present writ petition warranting interference in the impugned order dated 22.05.2013 (Annexure P-2), passed by the Tribunal.

Accordingly, while maintaining the impugned order, present **writ petition is dismissed.**

(SANJAY VASHISTH)
JUDGE

February 06, 2024
Pk Kapoor

Whether speaking/reasoned? **✓Yes/No**
Whether reportable? **Yes/No✓**