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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-23290-2023 (O&M)
Date of Decision: 08.11.2024

Rampal and others

....Petitioner(s)

Versus

Haryana Rural Development Fund Administration Board and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. D.R.Bansal, Advocate, for the petitioners.

Mr. Jagbir Malik, Advocate, for the respondents.

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JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for setting aside the order dated 23.06.2023 (Annexure P-5), the action of the respondents in charging 8.5% compounded interest on the provident fund share of the employer, the action of deducting income tax from the arrears of pension and commutation of pension and the action of deducting installments of commutation of pension from the commutation of pension, with a further prayer to direct the respondents to pay interest on the commutation of pension and arrears of pension from due date till the date of payment and to refund the interest charged from the petitioners on employer share of G.P. Fund got deposited by the petitioners.

2. Learned counsel appearing on behalf of the petitioners submitted that he has three grievances in the present petition. Firstly, in pursuance of the directions issued by this Court vide Annexure P-1 for the purpose of grant of pension to the employees of the respondent-Board, the State of Haryana framed Rules namely, Haryana Rural Development Fund Administration Board Employees (Pension and General Provident Fund) Rules, 2022 vide Annexure P-6 in the year 2022 and in pursuance of Rule 6, the employer share in the Employees Provident Fund was to be deposited by the concerned employee on the basis of the interest accrued thereon and the interest accrued thereon was 8.5 % but the same has been charged from the petitioners @ 8.5% but with compounded rate of interest which is neither provided in the Rules nor it is permissible and therefore, the action of the respondents was bad in law and also violative of the aforesaid Rules.

3. Secondly, as per Rule 8, the amount of commutation of pension was to be calculated keeping in view the rules on the actual date of retirement and the amount of commuted portion of pension from the date of retirement till the date of passing of the rules shall be deducted at the time of sanction. He submitted that from the date of retirement till the framing of the aforesaid Rules a lot of time had elapsed and benefit of commutation of pension has been given with effect from the implementation of the aforesaid Rules and for the intervening period no amount has been given to the petitioner but since this is a provision which is so contained in Rule 8, the petitioner would not press for the aforesaid prayer in the present petition because the vires of the aforesaid Rules are required to be challenged and for that purpose liberty may be granted to

the petitioners to challenge the vires of the aforesaid Rules in accordance with law by filing a separate petition.

4. Thirdly, the respondents have deducted TDS on the arrears which have been granted to the petitioners regarding which he also does not wish to press the aforesaid prayer in the present petition because he will avail alternate remedy in this regard as well.

5. On the other hand, learned counsel appearing on behalf of the respondents submitted that now since only one prayer of the petitioners is left as so stated by the learned counsel for the petitioners with regard to the fact that the respondents could not have charged the compounded rate of interest. He submitted that since the rate of interest in the nature of compounded rate does not find any mention in Rule 6, the respondents could not have charged the compounded rate of interest and the respondents would therefore calculate the balance of the amount charged from the petitioners i.e. difference between the 8.5% compounded rate of interest and 8.5 % simple rate of interest and will be paid back to the petitioners within a period of three months from today.

6. I have heard the learned counsels for the parties.

7. So far as the prayers made by the petitioners with regard to seeking permission for filing a separate writ petition in order to invoke an alternate remedy for the two prayers as aforesaid is concerned, liberty is granted to the petitioners in this regard.

8. So far as the only prayer which is being pressed by the learned counsel for the petitioners is pertaining to 8.5% of interest which is compounded rate of interest is concerned, learned counsel for the respondents

has already stated that the difference between the compounded rate of interest @ 8.5% and simple rate of interest @ 8.5 % will be refunded to the petitioners within a period of three months from today. Therefore, the present petition is disposed of accordingly.

08.11.2024 **(JASGURPREET SINGH PURI)**
rakesh **JUDGE**

Whether speaking	**Yes/No**
Whether reportable	**Yes/No**