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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12751/2024**

SANTANU SAHA

.....Petitioner

Through: Mr. Arjun Panwar, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Ravi Kant Srivastav, Senior Panel
Counsel with Mr. Hardik Bedi, GP.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

11.09.2024

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1. By way of the present petition under Article 226 of the Constitution of India, the petitioner, who was dismissed from the services of Border Security Force [BSF], where he was serving as a Head Constable (GD), has approached this Court seeking the following reliefs:

“1. Issue a Writ of Mandamus directing the respondents to pay the monetary contribution paid by the petitioner towards the general provident fund scheme along with interest @ 9 per annum w.e.f. 06.11.2023 i.e. the date of lapse of 6 months after the issuance of order of dismissal dated 06.05.2023 in terms of judgment dated 13.10.2023 passed by this Hon'ble court in W.P. (C) no. 2714/2019, in an expeditious and time bound manner; and

II. Issue writ of mandamus directing the respondents to issue a writ of mandamus directing the respondents to pay the monetary contribution made by the petition throughout his service towards the central government employees group insurance scheme and also the golden jubilee seema prahari kalyan kavach alongwith interest @ 12 % per annum w.e.f. 06.07.2023 i.e. the date of lapse of 2 months after issuance order of dismissal dated 06.05.2023 in terms of judgment dated 16.05.1997 in civil writ petition no. 2883 of 1997.”



2. At the very outset, learned counsel for the respondents, who appears on advance notice, on instructions, submits that the petitioner has already been informed that for release of the amounts claimed by him he is required to fill up the necessary Gross Provident Fund (GPF) withdrawal Form, the final payment Form, the Form for withdrawal of the Central Government Employees Group Insurance Scheme, which Forms he has not submitted till date. He therefore submits that once the petitioner submits these Forms, the amounts payable to him will be expeditiously paid to him.

3. In the light of this stand taken by the respondents, we dispose of the petition by directing the petitioner to submit all the necessary Forms within a period of two weeks, with a further direction to the respondents to release the payments due to him within a period of four weeks from the date of receipt of the requisite Forms. We further direct that subject to the petitioner submitting the necessary Forms in time, in case the payment due to him is not released to him within a period of four weeks from the date of receipt of the requisite Forms, the same will bear interest @ 9% per annum.

4. Further, in order to avoid any ambiguity on this aspect, we direct the respondents to forward the formats of the requisite Forms to the petitioner's counsel, within three days from today.

REKHA PALLI, J

SHALINDER KAUR, J

SEPTEMBER 11, 2024
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