

CWP-2585-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision: 29.04.2026

Amarjit Singh

.....Petitioner

VERSUS

State Of Punjab And Ors

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. H.C. Arora, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab-State.

Ms. Ayushi Sharma, Advocate
for respondents No.3 and 4.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of an appropriate writ, order or direction in the nature of *Certiorari* for quashing the impugned order dated 03.10.2023 (Annexure P-6), issued by respondent No. 4, whereby the petitioner has been directed to deposit an amount of Rs. 10,83,329/- towards alleged contribution to the Pension Fund for the period 18.09.1987 to

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30.01.2009 along with interest, the same being illegal, arbitrary and unsustainable in law, particularly in view of the fact that the petitioner, though reinstated with continuity of service vide judgment dated 30.01.2009 (Annexure P-1), had not been paid any salary for the said period and, therefore, cannot be saddled with liability of contribution or interest thereon. Further, the petition seeks issuance of a writ in the nature of *Mandamus* directing the respondents to refund the amount of Rs. 7,23,735/- charged towards interest on such contribution, being arbitrary and contrary to the relief granted in similarly situated cases.

1.1 It is further prayed that a writ in the nature of *Mandamus* be issued directing the respondents to release the balance amounts of gratuity, leave encashment and GPF totaling Rs. 13,25,316/-, along with balance ACP amount of Rs. 1,00,000/- with interest @ 12% per annum from the date the amounts became due till realization. Still further, the petitioner seeks a direction to the respondents to fix his pension by treating the period from 18.09.1987 to 30.01.2009 as qualifying service and to release consequential arrears of pension along with interest from the date of retirement till actual payment.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as a Clerk with respondent No.3-Municipal Committee, Kotkapura, District Faridkot on 10.12.1986 and his services

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were illegally terminated on 18.09.1987. The petitioner raised an industrial dispute, which was referred to the Labour Court, Bathinda; however, his claim for reinstatement was rejected on 21.02.1989. Aggrieved thereof, the petitioner filed ***CWP No. 8829 of 1989 titled 'Amarjit Singh vs. The Municipal Committee, Kotkapura through its Administrator and another'***, which was allowed by this Court vide judgment dated 30.01.2009 (Annexure P-1), directing reinstatement with continuity of service but without back wages.

2.2 It is further submitted that though the said judgment was not initially implemented, compelling the petitioner to file COCP No. 732 of 2009, during the pendency thereof, the respondents filed an affidavit stating that the petitioner had been reinstated in terms of the judgment, and accordingly, the contempt petition was rendered infructuous.

2.3 After serving respondent No.3, the petitioner retired on 31.07.2023. Thereafter, he submitted a representation dated 13.09.2023 (Annexure P-5) seeking grant of pension w.e.f. 10.12.1986. However, vide impugned order dated 03.10.2023 (Annexure P-6), the petitioner was directed to deposit a sum of Rs.10,83,329/- towards pension contribution for the non-contributory period. Reliance is placed upon judgment in ***Amrit Lal vs. State of Punjab and others, CWP No. 7023 of 2021, decided on 22.05.2023*** (Annexure P-8), wherein similarly situated petitioner was

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directed to deposit only the principal amount. The petitioner also submitted representation dated 09.10.2023 (Annexure P-9), which remains unconsidered.

3. *Per contra*, learned counsel for respondents No.3 and 4 submits that contribution towards pension for the non-contributory period is required to be deposited by the employee for counting such period as qualifying service, and therefore, the petitioner is liable to deposit the amount demanded.

4. In rebuttal, learned counsel for the petitioner submits that the petitioner remained out of service due to litigation and was not paid any back wages; thus, in view of the judgment in **CWP No. 7023 of 2021 (supra)**, he is entitled to similar relief. It is further submitted that the petitioner has already deposited the principal amount.

5. Learned counsel for respondents No.3 and 4 submits that the petitioner's case shall be considered in light of the aforesaid judgment.

6. I have heard learned counsel for the parties and have perused the record with their able assistance. Be that as it may, the controversy involved in the present case is squarely covered by the judgment rendered by this Court in **Amrit Lal (supra)** (Annexure P-8). The following order was passed therein:-

“The petitioner herein prays for issuance of a writ in the nature of certiorari for quashing order Annexure P-4, whereby

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the respondents have asked the petitioner to deposit an amount of Rs.11,24,793/- as due towards under the head of contribution towards pension fund which includes element of interest.

2. Mr. Arora on instructions from his client submits that the petitioner is ready to pay the principal amount as during all these years, the petitioner being embroiled in a lis related to his claim of reinstatement due to illegal termination was in fact never paid wages and even in the earlier round of litigation, the petitioner was held entitled to reinstatement but without back wages.

3. Mr. Dhindsa on instructions from Amarinder Singh, Executive Officer, M.C. Kotakpura, submits that the respondents shall forego the interest part in case the petitioner deposits the principal amount of Rs.4,54,424/- within a period of 04 week

4. In view of the above factual position wherein the parties have settled the present dispute, present writ petition is disposed off with the following directions:-

(i) The petitioner shall deposit the aforesaid amount of principal within 04 weeks from the date of receipt of certified copy of the order.

(ii) Thereafter, on receiving the amount the respondent-Municiple Council, Kotakpura shall process the claim of the petitioner for pension in accordance with law and make sure that the pension gets released to the petitioner within a period of 08 weeks thereafter alongwith all arrears.

5. Ordered accordingly.”

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7. In view of the stand taken by learned counsel for respondents No. 3 and 4, the present petition is disposed of in terms of the judgment rendered in *Amrit Lal (supra)*.

8. Pending miscellaneous application(s), if any, shall also stand disposed of

(HARPREET SINGH BRAR)
JUDGE

29.04.2026
Parul Verma

Whether speaking/reasoned. : Yes/No
Whether Reportable : Yes/No