



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

125

CWP-14822-2026 (O&M)
Date of decision: 13.05.2026

Mahesh Kumar and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vivek Salathia, Advocate
for the petitioners.

Ms. Pratibha Bali, AAG, Punjab.

Mr. Gian Chand Garg, Advocate
for respondents No.2 and 3.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned speaking orders dated 27.02.2024 and dated NIL (Annexures P-8 and P-9, respectively) vide which although the claim of the petitioners was allowed for release of the differential amount of PF which was deducted but not deposited by the Municipal Corporation, Amritsar, however, the claim of the petitioners for grant of interest @ 12% was not allowed in terms of Section 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. Further a writ of *mandamus* has been sought, directing respondent no.2 to grant interest @ 12% per annum to the petitioners in terms of



Section 7Q of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

2. Learned counsel for the petitioners, *inter alia*, contends that petitioner No.1 retired from the post of Assistant Engineer (Electrical) from Municipal Corporation, Amritsar on 31.08.2022, whereas petitioner No.2 retired from the post of Street Light Patroller on 30.11.2022. During their service tenure from the year 2013 to 2023, Provident Fund contributions were regularly deducted from their salaries and arrears, including benefits arising out of the 5th Pay Commission by the respondent/Corporation, however, the deducted amounts were not deposited in their respective Provident Fund accounts. He further submits that at the time of retirement, only 90% of the Provident Fund amount was released to the petitioners and the remaining dues were illegally withheld on the pretext of reconciliation. Learned counsel for the petitioners further submits that the respondent/Corporation itself acknowledged the lapse on its part and issued directions dated 28.02.2022 for clearance of the dues. Thereafter, the petitioners submitted representations dated 14.08.2023 and 01.11.2023 (Annexures P-2 and P-3, respectively). However, when no action was taken thereupon, the petitioners approached this Court by way of filing CWP No.27010 of 2023 and CWP No.27003 of 2023, which were disposed of vide orders dated 01.12.2023 with a direction to the respondents to pass speaking orders within a period of eight weeks and to release the payable amount. Pursuant thereto, the respondents



passed the speaking orders dated 27.02.2024 and dated NIL (Annexures P-8 and P-9, respectively). Learned counsel for the petitioners further contends that although the respondents in the said orders have admitted the delay as well as their liability, yet they have arbitrarily restricted the payment of interest to the “government notified rates” i.e. 7%, instead of granting statutory interest @ 12% as contemplated under Section 7Q of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952. He further submits that the impugned orders are illegal and unsustainable as the respondents despite admitting the delay and withholding of Provident Fund dues have failed to grant the statutory interest to the petitioners. Learned counsel for the petitioners further submits that the respondents have adopted a wholly discriminatory approach by granting interest @ 10% to similarly situated employees namely Parduman Singh, Ashwani Kumar and Satpal and interest @ 12% to one Subhash, Superintendent, whereas the petitioners have arbitrarily been restricted to interest @ 7%, thereby violating Articles 14 and 16 of the Constitution of India. Feeling aggrieved, the petitioners submitted fresh representations dated 24.03.2025 and 26.03.2025. (Annexures P-10 and P-11), however, no action has been taken thereupon till date.

2.1. Learned counsel for the petitioners submits that he would be satisfied if the representation dated 26.03.2025 (Annexure P-11) of the petitioners is decided by respondent No.2 by passing a speaking order in a time bound manner.



3. Mr. Gian Chand Garg, Advocate has put in appearance on behalf of respondents No.2 and 3 and filed Memo of Appearance, which is taken on record. The Registry is directed to tag the same at appropriate place.
4. Learned State counsel as well as learned counsel for respondents No.2 and 3, appearing on advance notice, submits that they have no objection, in case a direction is issued to respondent No.2 for time-bound consideration and decision of the representation dated 26.03.2025 (Annexure P-11) filed by the petitioners by passing a speaking order.
5. Therefore, in view of the limited prayer made by learned counsel for the petitioners, the respondent No.2 is directed to consider the representation dated 26.03.2025 (Annexure P-11) of the petitioners and pass a speaking order, after affording an opportunity of hearing to the petitioners, within a period of 03 months from the date of receiving a certified copy of this order. Further, the decision taken thereof shall be conveyed to the petitioners. Needless to say, if the petitioners are found entitled to the relief sought, the same shall be granted forthwith by respondent No.2.
6. Disposed of, accordingly.

(HARPREET SINGH BRAR)
JUDGE

13.05.2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No