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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**WRIT PETITION NO.7059/2015**

Dilip Ambadasrao Deshmukh & others.  
...Petitioners..

**Versus**

The State of Maharashtra & another.  
...Respondents...

.....

Shri Sachin S. Deshmukh, Advocate for petitioners.  
Shri K.S. Patil, Advocate for respondent no.1.  
Shri B.A. Shinde, Advocate for respondent no.2.

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**CORAM: S.V. GANGAPURWALA &  
K.L. WADANE, JJ.**

**DATE: 24.08.2016**

**ORDER :**

1] Learned counsel for the petitioners submits that the petitioners were the employees of the respondent no.2. On attaining the age of superannuation, they have retired in December, 2013. The dues towards the provident fund have not been paid by the respondent no.2. The respondent no.1 has determined the amount of the EPF payable to the petitioners, however, the respondent no.2 has not paid any amount.

2] According to the learned counsel for the respondent

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no.2, some amount has been paid with the Provident Fund Department. It is not that no amount has been paid.

3] The learned counsel for the respondent no.2 submits that the financial condition of the respondent no.2 is not good. Because of the financial constraints, the amount cannot be paid.

4] The respondent no.1 has also filed affidavit stating that the amount is due and payable by the respondent no.2 towards the provident fund of its employees.

5] There cannot be any dispute with the proposition that the respondent no.2 is duty bound to deposit with the respondent no.1 the amount towards the EPF i.e. the contribution of the employees so also the employer. The same has also not been deposited regularly. The respondent no.1 also has avenue to recover the said amount from the respondent no.2 by taking measures as laid down under the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The respondent no.1 is also at liberty to take up such proceedings against the respondent no.2 as are permissible in law.

6] Considering the fact that the respondent no.2 has shown its financial inability to comply with the

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directions of the payment as directed by the respondent no.1, we grant six months time to the respondent no.2 to deposit the said amount with the respondent no.1. The respondent no.2 shall adhere to the said stipulation of time for depositing the said amount with the respondent no.1 i.e. the amount due and payable as computed by the respondent no.1.

7] The respondent no.2, as per directions of this Court, has deposited the costs of Rs.5,000/-. Shri S.S. Deshmukh, learned counsel for the petitioners, graciously submits that the same may be credited to the account of the High Court Bar Association at Aurangabad as a library fund.

8] In the light of that, the amount of Rs.5,000/- be credited to the account of the High Court Bar Association at Aurangabad as a library fund.

9] Writ petition is accordingly disposed of. No costs.

**(K.L. WADANE, J.)**

**(S.V. GANGAPURWALA, J.)**