

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAW) NO. 2804 OF 2017
IN
WRIT PETITION NO. 5659 OF 2015
(Sk. Sattar Sk. Kallu .v. Western Coalfields Ltd. and others)

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

Shri V.A. Dhabe, Advocate for the petitioner.
Shri S.C. Mehadia, Advocate for the respondents.

CORAM : R.K. DESHPANDE AND
M.G. GIRATKAR, JJ.
08TH DECEMBER, 2017.

Heard.

This application seeks direction to the respondent No.2 for releasing part of the amount of Rs.3,00,000/- (rupees three lakhs only) from the Provident Fund account No. A/CHW/192/PEN of the petitioner.

Shri Mehadia, the learned Counsel for the Western Coalfields Limited (WCL) has invited our attention to the communication dated 23/26.09.2017 addressed to the petitioner by WCL. By this communication, the WCL calls upon the petitioner who is the dismissed employee, to fill in the required form and to accept the entire amount of provident fund.

Shri Dhabe, the learned Counsel for the petitioner submits that the petitioner does not require the entire amount of the provident fund but requires part of it, namely the amount of Rs.3,00,000/- (rupees three lakhs only).

It is not in dispute that even if the dismissal of the petitioner is upheld, he would be entitled to entire amount of the provident fund. The apprehension of the petitioner is that if he withdraws the entire provident fund amount, it may be construed as acceptance of dismissal. We are afraid to accept such a plea. Merely because the petitioner states in the application that he wants to withdraw the entire amount, that does not mean to accept the dismissal.

Be that as it may, the petitioner is desirous of withdrawing an amount of Rs.3,00,000/- only. The petitioner shall, therefore, be permitted to fill in the format of the WCL for withdrawing an amount of Rs.3,00,000/- and to complete all other formalities so that the proposal for release of an amount of Rs.3,00,000/- can be forwarded to the Provident Fund Commissioner.

In view of the aforesaid position, the petitioner to fill in the format and complete the formalities. The respondent/WCL shall not insist upon the petitioner for withdrawing the entire amount of provident fund and shall forward the requirement of the petitioner to the Provident Fund Commissioner within a period of two weeks from the date of compliance of all formalities.

The application is accordingly allowed with no order as to costs.

JUDGE

JUDGE

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