

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**L.P.A. No.1544 of 2015 (O&M)
Decided on : 14.07.2017**

Employees Provident Fund Commissioner

... Appellants

Versus

Jagdish Kumar

... Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Sandeep Goyal, Advocate,
for the appellants.

Mr. Jatinder Nagpal, Advocate,
for the respondent.

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned Single Judge dated 14.9.2015 entitling the respondent to an amount of ₹ 61,587/- as interest for 31 months for the period from 1.4.2011 to 31.10.2013 on account of the fault of the appellants in not transferring EPF contributions of the respondent from one account to another after he had entered into a fresh employment with a new employer.

The respondent had a EPF account while working with a particular employer whose services he abandoned to seek fresh employment with another organization. He had regularly contributed till 2007 and requested the appellants to transfer his EPF account to the new organization where he was now working. In this regard, he

submitted an application on 28.3.2011.

According to the appellants, this was rejected on 19.4.2011 and the respondent once again applied on 29.7.2013 which was rejected by virtue of Annexure P-1 in August, 2013 leading to the writ petition which has now been answered in favour of the writ petitioner.

Learned counsel for the appellants with vehemence states that once the claim was rejected on 19.4.2011, there would be no cause for them to be burdened with liability of interest up to the period of 2013 particularly when the entire dues of the respondent employee was settled by paying him the amount due along with interest up to 2011. Emphasis has been laid on the Notification which was issued on 15.1.2011 operative with effect from 1.4.2011 stating that those accounts which have not received contributions for a period of 36 months would be rendered inoperative. It is contended that subsequent to the Notification and in view of the fact that the respondent had not deposited any contribution, his account was rendered inoperative and the account settled.

After hearing learned counsel for the parties, we are of the opinion that the controversy points out to a single fact as to whether the respondent employee is entitled to interest as granted by the learned Single Judge and we have no hesitation to hold that the impugned order is perfectly just. There is nothing on record to suggest that the appellants had rejected the claim of the respondent employee on 19.4.2011. We have perused the written statement filed in the writ

proceedings and nowhere therein has it been asserted that the claim of the respondent employee was ever rejected in 2011. Rather there is document to show that the employee had initially submitted a request for transfer of the account to the new organization where he had gained employment which went unheeded forcing him to submit the very same application on 29.7.2013. Photocopy of the application is on record and bears out the claim of the respondent employee.

Consequently, we do not find any merit in the claim of the appellants in the present appeal particularly when there is nothing on record to suggest that there was any rejection of the prayer of the respondent employee. Clearly, the appellants themselves were to be blamed and if that be so, then the employee would certainly be entitled to the interest for the period as determined by the learned Single Judge.

Dismissed.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

July 14, 2017

Paritosh Kumar

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