

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2105 OF 2017

Sadanand Dharamraj Phansekar

...Petitioner

Versus

Central Board of Trustees and Anr.

...Respondents

.....

Mr. P.M. Patel for the Petitioner.

Ms Mohinee Chougule i/b. Mr. Suresh Kumar for the Respondent No.1.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 21st JUNE, 2018

P.C.:-

Heard the learned counsels for the respective parties.

2. According to the Petitioner his claim for provident fund dues made before Respondent No.1, which is an authority established under Employees Provident Fund and Miscellaneous Provisions Act, 1952 (referred to hereinafter for the sake of brevity as 'PF') in form 19, has been rejected in part. An amount of Rs.5,55,918/- was paid on or about 12.02.2015. The claim of employees share and employer's share on back wages is not decided on merits as yet.

3. The learned counsel for the Respondent No.1 submits that

some amount due to the Petitioner has already been paid. However, some amount is still unpaid, which needs adjudication.

4. The learned counsel for the Respondent No.2 submits that they have deposited sum of Rs.1,02,579/- on or about 03.01.2018 towards employers share and nothing is due and payable as back wages were paid without any deductions.

5. Thus, we find that the Petitioner's claim needs to be adjudicated by the competent authority keeping in view the provisions under Section 7A(b) of the 'PF' Act.

6. In the circumstances, we dispose of the present petition with liberty to the Petitioner to resubmit the claim before the competent authority of Respondent No.1. On receipt of the said claim, the competent authority shall consider and decide the same in accordance with law after giving opportunity of hearing to the Petitioner and Respondent No.2. The order shall be passed within six months of the receipt of the representation by the authority.

7. The petition is disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)