

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20426 OF 2004

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus directing respondents 1 and 2 to return the amounts aggregating to Rs.20,35,802.35 ps, which has been highhandedly collected, and consequently to make a proper demand so as to enable the petitioner-Bank to take appropriate action either for payment of the amounts of the societies that are with the Bank or take necessary steps as per Section 8 F (3)(vi) of the Employees' Provident Fund Act.

Heard Smt Bobba Vijaya Lakshmi, learned Standing counsel appearing for the petitioner and Sri P.B.Narasimha Sarma, learned counsel appearing for respondents 1 and 2.

The petitioner-Bank receives funds from the A.P. State Co-operative Bank and National Bank for Agricultural and Rural Department and advances the amounts so received to the Primary Agricultural Cooperative Credit Society for the purpose of giving loans to the farmers and members. The society, in turn, shall make recovery from the farmers and members of the cooperative society and remit the same to the petitioner bank. It is further stated that the petitioner-bank had given loans to various primary agricultural cooperative

societies but some of the Primary Agricultural Co-operative Societies have defaulted in payment of PF dues. The 1st respondent had issued proceedings on 28.10.2002 directing the petitioner-bank not to disburse the amounts to various Primary Agriculture Co-operative Societies, who had defaulted in paying dues and accordingly, the petitioner had not disbursed any amounts to various Primary Agriculture Co-operative Societies. The 3rd respondent bank made payments to the 1st and 2nd respondents, which were due by the petitioner bank without knowledge of the petitioner bank. In those set of circumstances, the present writ petition is filed.

Learned counsel appearing for the petitioner contended that amounts of the petitioner-bank were highhandedly transferred to the 1st and 2nd respondents; 1st and 2nd respondents are not furnishing the information with regard to the contributions paid by the Primary agricultural Co-operative Societies and because of non-furnishing the information as sought for by the petitioner-bank, the petitioner-bank is not in a position to proceed against the Primary Agricultural Co-operative Societies for recovery of the said amounts.

Sri B.Narasimha Sarma, learned counsel appearing for the respondents fairly concedes that respondents 1 and 2

would furnish the details of the amounts which have been recovered from the members of the defaulting Primary Agricultural Co-operative Societies within a reasonable period of time.

Having considered the rival submissions made by the learned counsel on either side, this Court deems it appropriate to dispose of the writ petition with a direction to respondents 1 and 2 to furnish the details of determination of dues in respect of non-payment of EPF contributions of its employees to the petitioner bank within a period of eight weeks from the date of receipt of a copy of this order and upon such furnishing the details by respondents 1 and 2, it is always open to the petitioner to proceed against the default Primary Agricultural Co-operative Societies for recovery of the amounts.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

10th April, 2018
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