

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

18 WRIT PETITION NO.1009 OF 2018

MANJULA ASHOK SURALKAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Kalyan V. Patil and Mr. U. K. Ruparel, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondents-State.

Mr. N. L. Jadhav, Advocate for Respondent No.5.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 05th FEBRUARY, 2019.

PER COURT:-

1. It is submitted by the learned counsel for the petitioner that as far as the grievance of the petitioner to the extent of payment of 4th and 5th installments of provident fund arrears is concerned, the same now stands redressed. It is submitted that on 19.11.2018, the petitioner has received the 4th and 5th installment of provident fund also. The interest on the delayed payment of the provident fund is concerned, the said ought to be paid.

2. Mr. Jadhav, learned counsel for respondent submits that the amount has been deposited. There was slight delay either on account of technical

problem or ignorance of college. The respondent-college could not apply for the payment. The salary of the employees for December, 2015, January, 2016 and February, 2016 was made by the college from the funds which were available. The salary of three months amounting Rs.27,95,200/- is due from the Government.

3. We have also heard learned A.G.P.. The learned A.G.P. submits that the affidavit is filed by the in-charge Joint Director showing the chart wherein it is said that excess balance grant amount was always with the institution.

4. It appears that the respondent-Institution did not deposit installments of provident fund within time. The affidavit of in-charge Joint Director also specifies that the college has excess amount of grant available with it.

5. In light of that, the respondent would naturally be liable to pay interest on the said amount. The respondent shall pay interest at the rate of 8% per annum (simple interest) on the delayed payment of the installment of provident fund. The same would be calculated from the date the amount was due to be deposited in the GPF account. The chart is given by the petitioner, the same is taken on record and marked 'X' for identification. After verifying the said chart,

the Joint Director (respondent no.3) shall verify the amount deposited and the delay in depositing the amount and shall calculate the interest at the rate of 8% per annum (simple interest) on the amount and shall arrive at the figure of the interest. The respondent-Institution shall pay that said amount of interest to the petitioner within a period of three months of the date the Joint Director arrives at the calculation. The Joint Director shall arrive at the calculation within a period of two months.

6. Writ Petition is disposed of. No costs.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE