

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

18 WRIT PETITION NO.11284 OF 2016

VIJAY RATANCHAND KATARIYA AND ANOTHER ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. V. J. Dixit, Senior Advocate i/b Kalyan V. Patil and Mr. U. K. Ruparel, Advocate for the Petitioners.

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

Mr. N. L. Jadhav, Advocate for Respondent Nos.4 and 5.

...

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

DATED : 05th FEBRUARY, 2019.

PER COURT:-

1. We have heard Mr. Dixit, learned senior counsel for petitioners, Mr. Jadhav, learned counsel for respondent nos.4 and 5 and learned A.G.P.

2. It is not disputed that 3rd, 4th and 5th installments of the provident fund has not been deposited by the respondent-Institution. We direct the respondent-Institution to deposit the said amount within a period of three months from today. The interest on the delayed payment of the provident fund is concerned, the said ought to be paid.

3. Mr. Jadhav, learned counsel for respondent submits that the amount could not be deposited due to technical problem. 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.

4. 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.

5. It appears that the respondent-Institution did not deposit installments of provident fund. The affidavit of in-charge Joint Director also specifies that the college has excess amount of grant available with it and shall pay the arrears of the amount of installments within a period of three (03) months.

6. 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 petitioners, 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 said amount of interest to petitioners 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.

7. Writ Petition is disposed of. No costs.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE