

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14094 OF 2016

Smt.Alka Avinash Shinde. ... Petitioner
V/s.
The State of Maharashtra and others. ... Respondents

Mr.Prashant Bhavake for the petitioner.
Mr.K.S.Thorat, AGP for respondent No.1.

CORAM : PRADEEP NANDRAJOG, C.J.
AND N.M.JAMDAR, J.

DATE : 11th July 2019.

P.C. :

Heard learned counsel for the parties.

2. The petitioner was appointed on 8th September 1982 as Assistant Teacher by a school established by Zilla Parishad, Kolhapur named Rajaram High School. As per the Service Rules, the petitioner was entitled to a pension and had to become a member of the General Provident Fund. The petitioner became a member of the General Provident Fund and was allotted account No.KLP/02085. From the salary payable to her, a deduction was made each month and credited to her General Provident Fund

Account and by the end of August 2009, ₹10,62,470/- stood credited in the said account.

3. On 31st July 2009, the services of the petitioner were transferred under the State of Maharashtra on account of petitioner earning a promotion. Her problem started here. The State Government did not ensure that the money in the general provident fund account of the petitioner maintained by Zilla Parishad was transferred to the State Government. As an employee of the State Government, a new Provident Fund Account No.ED/MH/24882 was allotted to the petitioner. The reason is obvious. As an employee of the State Government, the petitioner had a pensionable service and had to subscribe to the General Provident Fund Account. When the petitioner took voluntary retirement with effect from 1st October 2014, she was paid her provident fund dues and as regards the amount lying to her credit in the provident fund account when she was employee of the Zilla Parishad, the amount paid to her was the one which stood to her credit till August 2009. Thereby interest thereon for the period 21st August 2009 to 1st October 2014 was denied.

4. There is no answer to the claim of the petitioner save and except to shift the burden. As per the State Government, the fault was of the Zilla Parishad. As per the Zilla Parishad, once the petitioner ceased to be its employee, there is no liability to pay any

interest on the amount lying in the credit of the petitioner in her provident fund account.

5. Suffice it to say that Zilla Parishad had failed to transfer the said amount. The Zilla Parishad ought to have transferred the money lying to the credit of the petitioner in her provident fund account to the State Government. At the same time, it was the duty of the State Government to ensure that the Zilla Parishad transfers the said amount to the State Government.

6. Since the petitioner retired as an employee of the State Government, we direct that for the period the petitioner lost interest on the money lying to her credit in the provident fund account with the Zilla Parishad, she would be paid interest at the rate applicable in the period in question. Meaning thereby, whatever was the rate of interest at which interest was credited to the account of the provident fund account holders, the said rate of interest will be applied. The amount due shall be computed by the State of Maharashtra and paid to the petitioner within six weeks from today.

7. No costs.

N.M.JAMDAR, J.

CHIEF JUSTICE