IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12585 OF 2021
IN
WRIT PETITION NO.6096 OF 2018

Peoples Education Society Through
Chairman and Another ...Applicants

Versus

Parmeshawar Sampat Khope and Others ...Respondents

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Mr. V.D. Salunke, Advocate for the Applicants.
Mr. S.B. Yawalkar, AGP for Respondent No.11/State.
Mr. Y.P. Deshmukh, Advocate for Respondent Nos.1 to 10.
Mr. C.V. Dharurkar, Advocate for Respondent No.12.
Mr. P.G. Tambde h/f Mr. S.S. Jadhavar, Advocate for Respondent No.13.

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CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.

RESERVED ON : 26th NOVEMBER, 2021
PRONOUNCED ON : 04th DECEMBER, 2021

ORDER (PER S.G. MEHARE, J.) :

1. This Court has directed respondent no.4 - management to pay the outstanding salaries to the petitioners by the order dated 12.10.2021. The management – respondent no.4 had requested for termination of the fixed deposit of Rs.20 lacs for making the payments of the salaries due.

2. By this application, the management – respondent no.4 had submitted that it is an unaided college. Its financial condition is not good. However, various term deposits were made with the bank. The

term deposit lying with the State Bank of Hyderabad (India) now State Bank of India have been kept on hold as per order of the Assistant Commissioner of Employee's Provident Fund Organization, Regional Office, Aurangabad. The enquiry under Section 7(A) is going on by EPFO. Their amount due is to the extent of Rs.16,67,648/-. The enquiry is likely to be completed within four weeks. The dues of provident fund may not be more than Rs.17 lacs. One of the term deposit may accrue Rs.36 lacs. Another may accrue Rs.25 lacs and third one has the maturity amount of Rs.10 lacs. The act on the department of the EPFO withholding all these term deposits, is arbitrary and illegal. At the most, they can hold the term deposit to the satisfaction of its dues. Since the Provident Fund Department has directed the bank, the bank is refusing to release the amount. The present applicants want to pay the amount of arrears of salary to the petitioners. At least they may be permitted to terminate one term deposit of Rs.20 lacs lying with the State Bank of India dated 28.09.2010. It is also been submitted that if the permission is granted to terminate the said term deposit receipt, it would not affect the claim of Provident Fund Department. The applicants have placed on record the communications made by it to the State Bank of India dated 21.10.2021, it's communication dated 25.10.2021, the copy of the term deposit dated 28.09.2010 and the copy of the order of EPFO, Aurangabad dated 28.10.2021.

3. We have heard the learned counsel for the respective sides.

4. The present applicant has made a statement that if the term deposit dated 28.09.2010 would be allowed to terminate so the dues of the salaries to the extent of Rs.10 lacs may be cleared. The statement has also been made that around Rs.17 lacs are to be paid under the provident fund. It has the term deposits more than the claim of the provident fund.

5. The petitioners have admitted that at least the admitted amount of salary be paid and the remaining be considered in due course.

6. We find substance in the submissions of the learned counsel for the present applicants. If the applicants are allowed to terminate the term deposit bearing no.62132744755 dated 31.05.2010 for the amount of Rs.15 lacs, the interest of the Provident Fund Department will not be affected. In these circumstances, we feel it appropriate to allow the applicants to terminate the said deposit.

7. In view of the above, we direct the Department of Provident Fund to issue a letter to the State Bank of India, Cantonment Branch, Aurangabad to allow the applicants to withdraw the amount of Rs.10 lacs from the above term deposit. We further direct the State Bank of India to allow the applicants to terminate the term deposit of Rs.15 lacs as above. We further direct the applicants that after terminating the term deposit mentioned above, the remaining amount of Rs.5 lacs with interest accrued, be redeposited forthwith in term

deposit in the same bank to ensure the dues of the provident fund. The applicants shall approach the bank as well as the provident fund office with this order and terminate the above term deposit receipt as early as possible and comply the order of this Court dated 12.10.2021, on or before 15.12.2021.

8. With the above directions, the application stands disposed of.

(S.G. MEHARE, J) **(RAVINDRA V. GHUGE, J)**

Mujaheed//