

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 11915 of 2023

Birendra Pratap Singh

-vs-

Regional Provident Fund Commissioner & Ors.

For the petitioner : Mr. Ramij Munshi,
Mr. Rittick Chowdhury,
Mr. Nishant Chowdhury,

For the Respondent nos.: Ms. Anamika Pandey,
2 and 3. Ms. Amrita Pandey,
Mr. Ghanshyam,

For the Respondent no.1: Mr. Shiv Chandra Prasad,

Heard on : 23rd August, 2023

Judgment on : **23rd August, 2023**

Raja Basu Chowdhury, J:

1. The present writ application has been filed, *inter alia*, praying for direction upon the respondent nos. 1 and 2 to ensure the release of the entire amount of provident fund and the provident fund linked pension together with the interest for delayed payment.

2. It is the petitioner's case that the petitioner had joined the respondent no. 3 on 1st December, 1980, and had worked continuously for 40 years.
3. According to the petitioner, he is entitled to get provident fund which has been withheld.
4. When the aforesaid writ application was moved on 14th July, 2023, the learned advocate representing the respondent nos. 2 and 3 on instruction had submitted that the petitioner had been disbursed the provident fund dues. This Court, upon hearing the parties, had called upon the respondent nos. 2 and 3 to file a report and disclose the details of the payments on account of provident fund accumulations, if any, made in favour of the petitioner and to incorporate in such a report, the applicable rate of interest. Subsequently, on 16th August, 2023, Ms. Amrita Pandey, learned advocate appearing on behalf of the respondent nos. 2 and 3 had submitted that Rs.2,25,866.39/- is due and payable to the petitioner as per particulars provided to her by the respondent no. 3.
5. Having regard such submissions, this Court had directed the respondent nos. 2 and 3 to produce a cheque for Rs. 2,25,866.39/- drawn in the name of the petitioner on returnable date. Today, Mr. Ghana Shyam Pandey, learned advocate representing the respondent no. 3, has placed before this Court a cheque, for a sum

of Rs. 2,51,801.50/- drawn in the name of the petitioner, *inter alia*, claiming that the aforesaid sum not only includes the principal amount of Rs. 2,25,866.39/- on account of provident fund accumulations but also includes interest calculated at the rate of 8.1 per cent, as per particulars provided in the report filed on behalf of the respondent no. 3.

6. Let the aforesaid cheque be made over to the learned advocate representing the petitioner who shall accept the same on behalf of the petitioner. Let a photocopy of the cheque along with the endorsement made by the petitioner's advocate be retained with the records.
7. From the aforesaid report it appears that interest has been computed upto 16th August, 2023. Having regard to the same and taking into consideration that interest has been computed in terms of the directions issued by the Central Government, I am of the view that nothing further survives in the writ application.
8. Insofar as provident fund linked pension is concerned, the petitioner shall be at liberty to approach the respondent no. 3 with necessary particulars, if so advised.
9. With the aforesaid observations the writ petition stands ***disposed of***.
10. There shall be no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Raja Basu Chowdhury, J.)

BR
AR (Court)