

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.2500 OF 2023

SHAUKAT KHAN AHMED KHAN PATHAN  
VERSUS  
STATE OF MAHARASHTRA THROUGH SECRETARY AND  
OTHERS

...  
Advocate for the Petitioner : Shri Shahane Pradeep L. and Shri  
Shahane Parag P.  
AGP for Respondent 1/State : Shri S.P. Tiwari  
Advocate for Respondents 2 and 3 : Shri P.D. Suryawanshi  
Advocate for Respondent 4 : Shri N.K. Chaudhari  
...

CORAM : RAVINDRA V. GHUGE  
&  
SANJAY A. DESHMUKH, JJ.

DATE :- 27<sup>th</sup> April, 2023

Per Court :-

1. On 21.04.2023, we had passed the following order:-

“1. After briefly hearing this matter and upon perusing the affidavit-in-reply filed by Smt. Sandhya Kamlakar Pandav, the District Marketing Officer, Maharashtra State Co-operative Marketing Federation Ltd., dated 20.4.2023, we have developed a prima facie view that Respondent Nos. 2 and 3 have seriously faltered in the payment of provident fund contributions to the extent of the employer's and employees' shares. We are quite surprised and intrigued that the Provident Fund Department has only entered into

*correspondence with these establishments without initiating the proceedings under Section 7 of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.*

2. *We give a last opportunity to Respondent Nos. 2 and 3 to clear off the dues of the Petitioner by the next date and we also expect a statement from the P.F. authorities, on the next date, as to what steps would they initiate for commencing the Section 7 proceedings against Respondent Nos. 2 and 3.*
3. *Stand over to 27.04.2023, in the 'passing orders' category."*

2. Pursuant to the above, the learned Advocate representing the Federation places on record the copy of the communication dated 26.04.2023 addressed by the Manager (Finance) to the Regional Commissioner, Provident Fund, Bandra, Mumbai. The same is marked as "X-1" for identification.

In view of the above, the learned Advocate submits that the path for payment of pension to the Petitioner is cleared.

3. The learned Advocate for the Provident Fund Organization places on record the communication dated 25.04.2023 along with the copy of the letter dated 26.04.2023 received by the learned Advocate from the Provident Fund Organization (four pages). Both these documents are collectively

marked as “X-2” for identification.

4. He submits that the Provident Fund Organization has already commenced the Section 7-A enquiry against the Federation and the said enquiry would be taken to its logical end within the time frame as is prescribed by the Employees’ Provident Fund and Miscellaneous Provisions Act, 1952.

5. In view of the above, the learned Advocate for the Petitioner submits, on instructions, that as the pension is being cleared, this petition can be disposed off with a direction to the Authorities to ensure that the arrears of pension as well as the regular pension are paid within a time frame.

6. In view of the above, **this Writ Petition is disposed off** with the following directions:-

(a) The Provident Fund Organization would ensure that the Petitioner is paid the arrears as well as regular pension, along with admissible interest, within a period of 45 (forty five) days from the conclusion of the Section 7-A enquiry.

(b) Insofar as the enquiry is concerned, we direct the Federation to extend wholehearted cooperation and make no attempt to delay the matter by putting forth trivial reason for adjournment, lest, the PF authorities would progress to the next

stages in the enquiry.

(c) With these directions, the Section 7-A enquiry should be concluded within 120 (one hundred twenty) days.

*kps* (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)