

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.22/2022

Shri Nandkishor Hiralalji Kandalkar,
aged about 57 Yrs., Occ. Service,
R/o Gokul Plot No.71, Chabada Plot,
Motinagar Road, Amravati 444 606,
Tahsil & District Amravati
(Maharashtra State)

... Petitioner

- Versus -

1. State of Maharashtra,
through its Secretary, Education
Department, Mantralaya, Mumbai
(Maharashtra State).
2. Joint Director, Amravati Region,
Directorate of Vocational Education
and Training, having office at Morshi
Road, Amravati, Tah. and Dist.
Amravati (Maharashtra) 444 603.
3. District Vocational Education and
Training Officer, Amravati, Directorate
of Vocational Education and Training,
having office at Technical High School,
Bus Stand, Amravati, Tah. and Dist.
Amravati (Maharashtra) 444 606.
4. Joint Director, Nagpur Region,
Directorate of Vocational Education and
Training, having office at Civil Lines,
Nagpur, Tah. and Dist. Nagpur
(Maharashtra) 440 001.

5. Dhanawate National College,
Nagpur, through its Principal,
Congress Nagar, Near Ajni Railway
Station, Ajni, Tah. and Dist. Nagpur
(Maharashtra) 440 012.
6. Shri Shivaji Art & Commerce College,
Amravati, through its Principal, Morshi
Road, Shivaji Nagar, Amravati, Tah.
and Dist. Amravati (Maharashtra)
444 603.
7. The Shri Shivaji Education Society,
Amravati, through its President /
Secretary Shri Shivaji Education
Society, Shivaji Nagar, Amravati,
Tah. and Dist. Amravati
(Maharashtra) 444 603.
8. Manager, State Bank of India,
Camp Branch, Amravati, Old Biyani
College Road, Tapowan Road,
Dist. Amravati, Maharashtra 444 602. ... Respondents

Ms. Ayushi H. Dangre, counsel for the Petitioner.
Ms. Kalyani Deshpande, Assistant Government Pleader for
Respondents 1 to 4.
Mr. K.P. Mahalle, counsel for Respondent No.5.
Mr. S.N. Kumar, counsel for Respondent 8.

CORAM: ROHIT B. DEO & MRS. VRUSHALI V. JOSHI, JJ.

DATE : 17.4.2023

ORAL JUDGMENT (Per Rohit B. Deo, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The limited relief which survives for consideration is the entitlement of the petitioner to interest on the G.P.F. amount of ₹96,505/- (₹ Ninety Six Thousand Five Hundred Five). It is not in dispute that the principal amount is received by the petitioner in view of the interim order dated 12.4.2022.

3. The petitioner placed on record praecipe dated 27.9.2022 giving the calculations of the interest receivable.

4. We passed the following order on 24.3.2023.

Prima facie, in our view, the petitioner is entitled to interest on the amount of

Government Provident Fund which was withheld, and which the employee has received in view of the interim order dated 12.04.2022.

2. The petitioner employee has placed on record along with praecipe dated 27.09.2022, calculations of the interest.

3. We request the learned Assistant Government Pleader Ms Deshpande to seek the assistance of an appropriate officer and to confirm the correctness of the calculations on the next date of hearing.

4. We clarify that we expect the confirmation on the next date of hearing, and if the Government fails to confirm the correctness of the calculations, we shall proceed to assume that the interest is payable as claimed, and shall pass consequential order.

5. Stand over to 10.04.2023.”

5. Learned Assistant Government Pleader Ms. Deshpande states, on the basis of instructions received, that while according to the petitioner the amount of interest is ₹3,80,646/-, according to her instructions the amount of interest is ₹3,77,208/-.

6. We dispose of the petition by directing respondents 3 and 4 to pay the undisputed interest to the petitioner within six weeks.

7. If the petitioner still has any surviving grievance, he is at liberty to file civil suit for recovery of the balance amount.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

Tambaskar.

Signed By: NILESH VILASRAO
TAMBASKAR

Private Secretary
Date: 26.04.2023 09:56