

05. 02. 2024

BP
A-3
Court No. 17

WPA 399 of 2022

Pankaj Purkait
Vs.
The Regional Provident Fund Commissioner
& Ors.

Mr. Ramji Munsi
Ms. Champa Pal
..for the petitioner

Mr. Shiv Chandra Prasad
..for the respondent no.1

Mr. S.R. Saha
..for the respondent nos. 2 and 3

The petitioner was terminated from service in the year 2003. In the meantime, the employer, being the Statesman Limited, filed an application for getting approval of the termination which was not granted to them by the learned Tribunal. Against which the Statesman Limited filed one writ application which is pending. In the meantime, the petitioner has reached the age of superannuation in the year 2018.

The calculation of the provident fund amount upto 2003 was Rs. 1,43,862/- which has been paid to the petitioner by the Statesman Limited on 15th March, 2022.

Here the petitioner claims interest on the said amount of Rs. 1,43,862/- from March 2003, when he was terminated, till 15.03.2022. According to his calculation,

the total amount is Rs. 8,41,925/- after deducting paid amount of Rs. 1,43,862/- which has already been paid.

Learned advocate for the Statesman Limited has shown me paragraph 72 (6) of Employees Provident Fund Scheme, 1952 which does not tell about the payment of any interest. However, the Statesman Limited has terminated him and became unsuccessful in getting the approval of the termination and filed one writ application which is pending. Therefore, the petitioner was deprived of his provident fund because of the default made by the Statesman Limited for which they filed one writ application which is still pending.

I am of the view that an authority (the Statesman Limited) is trying to take advantage of his own wrong. Therefore, the claim amount of Rs. 8,41,925/- is to be paid to the petitioner within a period of one month from the date of communication of this order by the petitioner to the Statesman Limited with a copy of this order.

With this observation, this writ application is allowed.

(Abhijit Gangopadhyay, J.)

