

01-02-2024  
ct no. 13  
Sl. 1  
sp

**WPA 10579 of 2021**

Surya Bhan Pandey

**-Versus-**

The Regional Provident Fund Commissioner & Ors.

Ms. Senjuti Sengupta,  
Mr. Rananeesh Guha Thakurata  
...for the petitioner

Mr. Shiv Chandra Prasad  
...for the P.F. Authority

Mr. Soumya Majumder,  
Ms. Amrita Pandey  
...for the respondent nos. 2 and 3

1. The Managing Director of the Statesman Limited was personally present in Court yesterday (31.01.2024).
2. The subject matter of the writ petition is confined to a sum of Rs. 5 lakhs as advance sought by the petitioner from his P.F. Admittedly, the arrears of salary have been computed by the Labour Court under Section 33C(2) of the Industrial Disputes Act, 1947 to an amount of Rs. 18,79,568/-
3. The employer has brought a cheque bearing No. 132801 dated 04.01.2024 for Rs. 3,17,690/-. The same may be give to the petitioner's advocate in Court.

4. The aforesaid sum of Rs. 3,17,690/- includes sum of Rs. 31,599.76/-. The said amount of Rs. 31,599.76/- represents the sums, admitted by the employer pursuant to the order of dismissal. Such dismissal has not been approved by the Industrial Tribunal. Such non-approval is pending consideration upon challenge by the employer in W.P. 5573 (W) of 2016.
5. The employer shall provide to the petitioner the notional calculation amount of the provident fund slips, which ought to have been deposited with the trust, since the order of dismissal has not been approved by the Industrial Tribunal.
6. In so far as the sum of Rs. 18,29,568/- is i.e. the arrear of salary payable to the employee as the order of dismissal has not been approved by the Industrial Tribunal.
7. Mr. Majumder, learned counsel appearing for the employer submits that since the non-approval of the order of dismissal is subject matter of the said writ petition being W.P. 5573 (W) of 2016, this Court should not pass orders in respect thereof.
8. Having heard the learned counsel for the parties, this Court is of the view that since

the admitted amount of Rs. 3,17,690/- has been paid by the employer in these proceedings, the employer should deposit the said sum of Rs. 18,79,568/- minus any amount already paid with the Registrar General of this Court. The payment shall be made within a period of 7 days from date. The deposit of the amount shall abide by the result of W.P. 5573 (W) of 2016.

9. The aforesaid order is passed in exercise of extraordinary powers under Article 226 of the Constitution of India and the fact this court has determination on its subject matter.
10. If the deposit is made as above, let all criminal proceedings in aid of the proceedings being No. CS/2901/19 pending before the learned Metropolitan Magistrate, 16<sup>th</sup> Court, Calcutta remain stayed.
11. It is also made clear that any payment made today is also subject to the result of W.P. 5573 (W) of 2016 and without prejudice to the rights and contentions of the parties. If, however, deposit of the sum of Rs. 18,79,568/- is not made, the

criminal proceedings may be continued and taken to its logical conclusion in accordance with law.

12. With the aforesaid directions, the instant writ petition shall stand disposed of.
13. There shall be no order as to costs.
14. Affidavit filed explaining the absence of the Managing Director on January 24, 2024 is taken on record.
15. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

**(Rajasekhar Mantha, J.)**