

08.01.2024.
Court No.13
Item No. 8
ap

W.P.A. No. 17553 of 2022

**Shri Babulal Nath
Versus
The State of West Bengal & Ors.**

Ms. Somoshree Saha.

...For the petitioner.

Mr. Anil Kumar Gupta.

...For the Provident Fund Authority.

Mr. R. N. Chakraborty,
Ms. Amrita De.

...For the respondent nos.2 to 4.

1. Counsel for the West Bengal Scheduled Castes, Scheduled Tribes and Other Backward Classes Development and Finance Corporation (in short 'WBSCST&OBC') has placed a letter dated 31st January, 2022 addressed by his client to the Regional Provident Fund Commissioner.
2. By the said letter it was explained that since the petitioner was the only employee of the former West Bengal Backward Classes Development and Finance Corporation, the applicability of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 is in doubt.
3. However, in all fairness and propriety, the WBSCST&OBC has applied before the Provident Fund Authority, indicating their willingness to deposit in one go, the arrears of Provident Fund both employer and

employees' contribution from 2008 to 2017 on account of the petitioner.

4. The Provident Fund Authorities are yet to respond to the same.

5. This Court is of the view that justice would be subserved if the WBSCST&OBC is permitted to deposit the aforesaid arrears of Provident Fund for the period from 23rd July, 2008 to December 2017, both the employer and employee's contribution based on the salary and emoluments paid to the petitioner within a period of one month from date.

6. Given the fact that there has been some confusion with regard to the liability to make such deposit from 23rd July 2008 until December 2017 and the fairness demonstrated by the WBSCST&OBC, this Court permits such deposit without any interest.

7. The Provident Fund Commissioner shall make calculation for such deposit and communicate to the WBSCST&OBC, within a period of 14 days from the date of receipt of a copy of this order.

8. With the aforesaid directions, the instant writ petition shall stand disposed of.

9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

