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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1838/2023
CHANDRAKET PRASAD SINGH
-VS-
THE STATE OF WEST BENGAL AND ORS

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
Date : 14th March, 2024.

Appearance :
Mr. D. Basu, Adv., for petitioner

Ms. D. Chattaraj, Adv.; Ms. A. Dutta, Adv., for Corporation.

Mr. S. Bandopadhyay, Adv., for State.

The Court: 1. The petitioner who was due to superannuate as per the records of the WBTC on June 30, 2020, was allowed by the employer to continue to work until March 31, 2023.

2. The employer, due to error and oversight, did not end the service upon the petitioner attaining the age of 60 years. The petitioner continued service

under the employer and the employer continue to receive services from the petitioner upto 31st March 2023.

3. During the extra period of two years nine months and five days of service, the petitioner was given monthly statements of his salary slips and deduction towards PF. The annual statements of provident fund for the year 2021-22, i.e. ending on March 31, 2022 were also provided.

4. Till the date of actual service beyond the age of 60 years, i.e. for a period of two years nine months and five days, the employer deducted PF from the salary of the petitioner and deposited the same with the PF trustees. Likewise, for the said period of two years nine months and five days, the employer put in its share of contribution to the PF of the petitioner.

5. The object and purpose of provident fund is to compel the employer as well as the employee to save and create a corpus to enable the employee to survive with dignity post cessation of his service. It is only in extreme cases where the employee is found having committed offences in the nature of moral turpitude or heinous crimes that he can be deprived of the employer's contribution to provident fund.

6. In the facts of the case, it is noticed that there is no allegation of any act or omission on the part of the employee in rendering the extra service of two years nine months and five days beyond the age sixty years. The employer benefited from the service of the petitioner and the employee was paid remuneration in lieu thereof.

7. In the backdrop of the above, this Court is of the clear and unequivocal view that the employer cannot withhold its share of provident fund deposit with the authority concerned. It is not due to any fault of the employee that he has worked for an extra period of two years nine months five days beyond the age of sixty years.

8. For the reasons stated hereinabove, the writ petition is allowed.

9. The petitioner shall be paid full provident fund including the employer's contribution for the period from July 2020 upto March 31, 2023 within a period of two months from date along with interest at the rate of 6% per annum.

10. There shall be no order as to costs.

(RAJASEKHAR MANTHA, J.)