

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3864 OF 2022

Dr. Bhalchandra Raghunath SuryavanshiPetitioner
V/S
The State Of Maharashtra Throu The SecretaryRespondent

Mr. S. A. Rajeshirke For Petitioner.
Ms. S.S. Bhende AGP for Respondent-State.

CORAM: NITIN JAMDAR &
M.M. SATHAYE, JJ.

DATE : 12 AUGUST 2024

P.C.:

1. Heard learned counsel for the parties. Taken up for disposal.
2. The Petitioner was working as a Principal in the college of the Trust run by Dang Seva Mandal, Nashik. The Petitioner's appointment as a Principal was duly approved by the concerned University. The Petitioner was entitled to receive of Provident Fund. Since it was not paid, the Petitioner made various correspondence with the Respondent-State Authority. The Petitioner also approached the Lokayukta who directed repayment of the Provident Fund and also interest. Thereafter, Respondent-State Authority paid the amount of the Provident Fund but did not pay the interest component. Hence this petition by the Petitioner seeking direction to the Respondents to pay the interest on the Provident Fund of Rs.11,01,537/- as per General Provident Funds Rules from 9 March

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2016 till its realization.

3. Reply affidavit is filed on behalf of the Joint Director, Higher Education, Pune Region, Pune wherein the stand sought to be taken that there was a delay because of the communications between Respondent No. 4- Joint Director, Higher Education, Pune and Respondent No.5 Joint Director, Higher Education, Nanded Region, Nanded. In reply affidavit, a reference is also made to Rule 35 of General Provident Funds Rules. The reply affidavit indicates that the delay was due to inter-departmental communications between two Joint Directors which cannot be a valid reason. Even otherwise, the Lokayukta had directed the State on 18 September 2018 that the Provident Fund along with interest should be paid. Though the Provident Fund is paid but interest is not paid. The order of the Lokayukta needs to be complied with by the State. Therefore, we find that the prayer made by the Petitioner for payment of interest on the amount of Rs.11,01,537/- under General Provident Funds Rules from 9 March 2016 is justified.

4. Accordingly, the Respondents are directed to pay the amount of interest at the applicable rate under the governing Rules, on the amount of General Provident Fund due and payable to the Petitioner from 9 March 2016 till its realization. The amount be paid within a period of four months from today.

5. It is open to the State, as directed by the Lokayukta, to fix the responsibility on the concerned officer/s.

6. Writ petition is accordingly disposed of in the above terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)