$~50

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 217/2023 and CM APPL. Nos. 773/2023, 23142/2023 and 61524/2023

BALJINDER KAUR SAHDEV .....Petitioner

Through: Mr. Anmol Panwar and Mr. Shubham Tomar, Advocates.

versus

GREENFIELDS PUBLIC SCHOOL & ORS. .....Respondents

Through: Mr. Preetjeet Singh, Mr. Mohd. Anish Rehman, Advocates for R1 and R2.
Mr. Sivanath Mahanta and Mr. Tarun Kumar, Advocates for R3.
Mr. Sujeet Kumar Mishra and Mr. Sanyam, Advocates of R4.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **12.11.2024**

1. This writ petition has been preferred on behalf of the Petitioner seeking the following reliefs:

> *"(I) Issue an appropriate writ, order or direction in the nature of mandamus thereby directing the Respondent No.1 school & Respondent No.2 to release/pay the due provident fund accumulated from the date of joining till the date of retirement, as payable to the petitioner, along with interest thereupon to be calculated @ 18% per annum;*
>
> *(II) Issue an appropriate writ, order or direction in the nature of mandamus thereby directing the Respondent No.1 school and Respondent No.2 to deposit the provident fund amount of missing years in the provident fund account along with interest forthwith.*
>
> *(III) Issue an appropriate writ, order or direction in the nature of mandamus thereby directing the Respondent No.3 to impose penalty on Respondent No. 1 & 2 and after determination of the pending provident*

fund amount from the Respondent No.1 & 2, initiate proceeding under Section 14B of the Employees Provident Fund & Miscellaneous Provisions Act, 1952 and recover damages.

(IV) Issue appropriate writ/order/directions in the nature of mandamus directing the Respondnet No.1 & 2 to provide the annual statement of provident fund account form the date of joining till the date of retirement.

(V) Issue appropriate writ/order/direction in the nature of mandamus directing the Respondent No.1 & 2 to act in accordance with and not in contravention of The Employees' Provident Funds and Miscellaneous Provision Act & Scheme 1952.

(VI) Issue appropriate writ/order/directions in the nature of mandamus directing the Respondent No. 1, 2 & 3 to update the last name of the Petitioner on the EPFO portal.

(VII) Issue appropriate writ/order/directions in the nature of mandamus directing the Respondent No.4 to act against the erring officers who failed to conduct the annual inspection of the school in accordance with the Rule 190 of the Delhi School Education Rules 1973.

(VIII) Issue appropriate writ/order/directions in the nature of mandamus directing the Respondent No.4 to take appropriate action under law against the Respondent No.1 & 2 including other members responsible for misappropriating the provident fund amount of the Petitioner.

(IX) Allow the present writ petition with exemplary compensation, cost and litigation expenses in favour of the Petitioner."

2. Respondent No.1/Greenfield Public School has filed a short affidavit dated 05.09.2023 candidly admitting that earlier due to certain financial exigencies, School had not regularly deposited the amounts towards Provident Fund for 24 months during the period March, 2013 to February, 2017, but subsequently the entire accumulated arrears amounting to Rs.53,89,754/- have been deposited by the School with RPFC, East Delhi vide two DDs/transfers on 05.04.2022 and 06.04.2022 respectively and this is duly reflected in the relevant entries contained in the two Bank passbooks of ICICI Bank and UCO Bank, New Delhi respectively. It is further stated that School has deposited the full amount of PF with EPFO for the entire

service period of the Petitioner till the date of her retirement. The statement of account reflects entries for the period 1996-1997 up to June, 2022 and shows a total accumulated balance amount of Rs.5,76,021/-, in the credit of the Petitioner which includes contribution share of the Petitioner as well as the School.

3. According to learned counsel for the School, PF balance amount for the period 1986 to February, 1996 has also been deposited *albeit* the manual ledger accounts are not presently traceable. Therefore, it is urged that nothing is outstanding towards the Petitioner, however, in case the Petitioner discovers any computational error/deficiency/shortfall in the future with regard to the PF balance, it would be open to her to approach the School and the matter will be examined with the help of the EPFO.

4. Learned counsel appearing on behalf of EPFO hands over a document being the claim status, which according to him shows that the entire amount of Rs.14,28,216/- deposited with the EPFO, which includes employee's share of Rs.7,86,863/- and employer's share of Rs.6,41,353/- has been paid to the Petitioner.

5. Learned counsel appearing on the behalf of the Petitioner does not dispute that the said sum of Rs.14,28,216/- has been received by the Petitioner. He, however, prays that the PF account statement for the period 1986-1996 be provided to the Petitioner to which learned counsel for the School response by stating that the Petitioner has herself attached the complete statement.

6. In view of the aforesaid stand of the School taken on an affidavit and acknowledgment by learned counsel for the Petitioner that all PF dues have been received by the Petitioner, no further order is required to be passed in

the present writ petition. In fact, the document handed over by counsel for EPFO, which is taken on record, also reflects payment of Rs.14,28,216/- to the Petitioner. School has taken a fair stand that if any computational error/deficiency/shortfall is discovered by the Petitioner, she may contact the School and the matter will be looked into. It is, therefore, open to the Petitioner to approach the School in case she finds that there is any error in the computation or calculation and any further amount is due to her. In case the Petitioner requires the complete statement of her PF dues for the period 1986-1996, she may approach the EPFO and in case of any request from the Petitioner, the EPFO will furnish the statement.

7. Writ petition stands disposed of.

8. Pending applications also stand disposed of.

JYOTI SINGH, J

NOVEMBER 12, 2024/*jg*