



\$~96

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

+ **W.P.(C) 12449/2024 & CM Appl.51820/2024**

PRASHANT KUMARPetitioner

Through: Mr. Adv. [appearance not given]

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Bhagwan Swarup Sharma, CGSC
with Mr. Vinay Kumar Shukla, Adv.
for R-1.

Mr. Siddharth, SC with Mr. Anshul
Saxena and Mr. Harshit Manwani,
Adv. for R-2 to 5.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

05.09.2024

%

1. At the outset, learned Counsel for the Petitioner submits that he confines the prayers of the Petition to prayer (iii) which reads as follows:

“(iii) issue a writ of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India thereby directing the Respondents to pay interest at applicable rates on year wise basis to the Petitioner on the total with drawn EPF amount of Rs. 26,97,844/ as on 31/3/2015 for the period 01/04/2015 till the date of actual payment;”

1.1 Learned Counsel for the Petitioner submits that he does not seek any relief from Respondent No. 1 and it is a proforma party.

2. The grievance of the Petitioner as articulated in the present Petition is that he has not received legitimate credit of interest on his provident fund entrusted to Respondent Nos. 2 to 5.

2.1 Learned Counsel for the Petitioner submits that the Petitioner was continuously employed with Respondent No. 6 and in the year 2012, the Petitioner was transferred from Respondent No. 6 entity to Respondent No.



7 where he continued till his superannuation in the year 2021.

2.2 Learned Counsel for the Petitioner further submits that although there was no change in the employer per se or in his employment, but that he was transferred to another Company, within the same Group of Companies. It is contended however that the Respondent Nos.2 to 5 did not transfer the provident fund account of the Petitioner from Respondent No. 6 to Respondent No. 7.

3. Issue Notice. Learned Counsel appearing for Respondent Nos. 1 to 5 accepts Notice.

4. Given the order that this Court proposes to pass today, learned Counsel for the Petitioner submits that no Counter-Affidavit or Reply is required to be filed.

5. With the consent of the parties, the matter is taken up for hearing and disposal today.

6. In the foregoing circumstances, the following directions are passed:

6.1 Respondent Nos. 2 to 5, more specifically Respondent No. 4, is directed to treat the present Petition as a representation and decide the same by passing a speaking order.

6.2 The Petitioner is permitted to file an additional note along with documents before Respondent No. 4 within a period of two weeks.

6.3 The Petitioner and/or his Authorised Representative will be given an opportunity to be present for a hearing before Respondent No. 4.

6.4 The Petitioner will be permitted to produce any additional facts or documents in support of his contentions at the time of hearing.

6.5 The Respondent No. 4 shall pass a speaking order as expeditiously as possible and, no later than four months from today.



6.6 The speaking order shall be communicated to the Petitioner under acknowledged postal service and e-mail.

7. It is made clear that this Court has not expressed any opinion on the merits of the case. All rights and contentions of the parties are left open in this regard.

8. The Petition and pending Application are disposed of with the aforesaid directions.

9. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

SEPTEMBER 5, 2024/r

Click here to check corrigendum, if any