

18.02.2025
Ct. No. 30
S.L No. 6
SM

WPA 27451 of 2024
Kuddush Sardar
Vs.
State of West Bengal & Ors.

Mr. Tauhid Khan
Mr. Atanu Halder
.....for the petitioner

Ms. Aparna Banerjee
.....for the respondent 2 & 3

Ms. Anamika Pandey
Mr. Amrita Pandey
Mr. Ghanshyam Pandey
.....for the respondent no. 4

The present writ application has been preferred praying for direction upon the respondents to release and disburse the provident fund amount and all other retrial benefit along with the interest @ 12% per annum towards the delayed payment.

Learned counsel appearing for the provident fund authorities has submitted report in the form of affidavit.

The dues of the petitioner is not denied. The petitioner joined the respondent company on 19.03.1982 and superannuated on 31.12.2020 after having put in more than 39 years of continuous service.

The contention of the petitioner in the present case is that the petitioner is now no more an

exempted company and admittedly part of the funds has been transferred to the provident fund authorities. On the other hand it is the contention of the provident fund authorities that a certain amount has been received from the respondent company but a substantial balance amount has not been received by the provident fund authorities and as such it has become difficult for them to pay full dues of the employees. The respondent/provident fund authorities submit that they will be able to pay on prorata basis.

It is further submitted that they have taken all steps in accordance with law to realize the said amount from the respondent company and as such the said facts may be considered by the Court.

Considering the materials on record and the relief claimed by the petitioner herein and the report of the provident fund authorities, this Court is of the view that, it is the responsibility of the respondent provident fund authorities to take necessary steps for recovering the total fund from the un-exempted company at the earliest and for such delay in their conduct, no employee can suffer for not getting his retiral dues.

Accordingly the writ petition is disposed of with the direction that the respondent/provident fund authorities shall consider the claim of the petitioner in

accordance with law and ensure that all retiral dues as entitled to is paid to him along with interest as applicable within a period of three months from the date of this order.

Applications, if any, connected thereto stand disposed of consequently.

Interim order, if any, stands vacated.

Let a copy of this order be sent to the Trial Court at once.

Photostat certified copy of this order, if applied for, being given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]