



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12817 OF 2024

Bhagwat Bhujangrao Nagargoje
Age 67 years, Occu. Retired,
R/o. Near Hanuman Mandir,
Village Chumbhali, Post Tamba Rajuri,
Taluka Patoda, District Beed

.. Petitioner

Versus

1. The State of Maharashtra
Through its Chief Secretary,
Transport Department, Mantralaya
Mumbai – 32
2. The Assistant P. F. Commissioner (Accounts)
Regional Office, Aurangabad
3. The Maharashtra State Road Transport
Corporation Through its Divisional Controller
Beed Division Beed, Near Bus Stand, Beed .. Respondents

Mr. Azizoddin R. Syed, Advocate and Mr. Farooqui Luqmaan
Kaseem Farooqui, Advocate for the Petitioner;
Mr. Dnyaneshwar R. Korade, AGP for Respondent No.1;
Mr. Nitin K. Chaudhary, Advocate for Respondent No.2

**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 22-01-2025

PER COURT:-

1. Heard both sides.
2. Final disposal notice was also served on respondent No.3
who was the employer.
3. The petitioner complained against respondent No.3 that his
pension papers have not been forwarded by complying with all the
requisite formalities.

4. The contribution towards Employees Provident Fund has been deposited in the account of another employee – Santosh Sakharam Jadhav. Respondent No.3 is not diligent in deciding the claim. Hence, the petitioner is suffering financial losses since 2016.

5. We have gone through the papers.

6. In an identical situation, this Court, in ***Writ Petition No.10608 of 2024 (Shaikh Shabbir Shaih Nazir vs. The State of Maharashtra and others)*** vide order ***dated 30.09.2024***, directed the same respondent No.3 to forward the pension papers to the concerned department, by correcting or transferring the amount of provident fund to the account of petitioner therein.

7. In view of the above, we are satisfied that the writ petition deserves to be allowed. Hence, the order:-

ORDER

- (i) The writ petition is allowed.
- (ii) Respondent No.3 / the Maharashtra State Road Transport Corporation is directed to forward the pension papers of the petitioner with all essential requirements and take appropriate steps to transfer the employer's contribution to his account which were deposited incorrectly in the account of another employee - Santosh Sakharam Jadhav.

- (iii) Respondent No.3 should carry out the exercise to transfer Employees Provident Fund to the account of petitioner from the account of Mr. Santosh Sakharam Jadhav, within three weeks from today, and, thereafter in one month send the proposal of petitioner by complying in all respects to respondent No.2 / the Assistant Provident Fund Commissioner (Accounts) Regional Office, Aurangabad, for scrutiny and appropriate decision for the pensionary benefits of the petitioner.
- (iv) Since the petitioner is not receiving pensionary benefits since 31.11.2016 due to the inaction of respondent No.3, the petitioner would be entitled to get the said benefit with interest @ 9 % *per annum* from the date of his retirement i.e. 31.11.2016 till the actual payment is made.
- (v) For the wrongs committed by respondent No.3, we order it to pay the compensation of an amount of Rs.25,000/- (Rs. Twenty Five Thousand) to the petitioner within two weeks from today.
- (vi) After the proposal is forwarded, respondent No.2 shall take decision within four weeks from the date of receipt of the proposal.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE