25.11.2026
Court No.13
Item No.11
AP

FMA 534 of 2024
With
CAN 1 of 2026

The Statesman Limited
Vs.
Sri Pankaj Purkait and Ors.

Mr. Soumya Majumder, Senior Advocate
Mr. S. Roy
Mr. Supriya Ranjan Saha
... For the Appellant.

Ms. Senjuti Sengupta
... For the Respondent No.1.

1. The appeal is directed against an order dated 5th February, 2024 passed by a Single Bench of this Court.

2. The facts of the case are that the respondent/writ petitioner was dismissed from service sometime in 2003. Upon the employer seeking approval of the order of the dismissal before the Industrial Tribunal, the same was declined. The order of refusal by the Industrial Tribunal is the subject matter of a writ petition being WP 32138 (W) of 2014, which is pending.

3. Based on the refusal of the Tribunal to accord approval of the order of dismissal passed by the employer, the Single Bench held that the employee must be deemed to be in service until his superannuation of the year 2018.

4. Accordingly, the Single Bench directed the provident fund dues to the extent of Rs.8,41,925/- to be paid to the respondent/writ petitioner.

5. Learned senior counsel for the employer, Mr. Majumder has submitted that since the propriety of the decision of the Industrial Tribunal is pending challenge before this Court, as of now the respondent/writ petitioner was only entitled to receive provident fund dues as calculated up to the date of termination i.e. 13th February, 2003. A sum of Rs.1,43,862.29/- based on the order of dismissal has been paid to the respondent/writ petitioner. The said amount was arrived at after transfer of a sum of Rs.54,779.27/- by the EPFO to the EPS scheme of 1995. The respondent/writ petitioner is, therefore, receiving pension under the EPF scheme.

6. Mr. Majumder, learned senior advocate, has also argued that in terms of Sub-clause (6) of Para 72 of the EPF scheme, interest is calculated on an unclaimed amount of provident fund only for a period of three years that too after transfer of the unclaimed amount into an inoperative account. This would also have to abide by the result of the said WP 32138 (W) of 2014.

7. This Court is of the view that the payment of provident fund after February 2003 until his superannuation in the year 2018 is subject to the final result of the aforesaid writ petition being WP 32138 (W) of 2014. In the event the employer fails in the said writ petition or the appeal carried therefrom, the employee then be entitled to all provident fund amounts up to the age of superannuation in the year 2018. In the event the employer succeeds in WP 32138 (W) of 2014 the

respondent/writ petitioner would not be entitled to any provident fund amount post February 2003.

8. In the light of the above, the direction to pay a sum of Rs.8,41,925/- being the difference between the provident fund already paid up to February 2003 and the provident fund payable until the date of superannuation i.e. 2018 would be premature.

9. In the light of the above, the impugned judgement and/or order dated 5th February, 2024 is set aside.

10. The quantum of provident fund payable to the writ petitioner/employee would have to wait until disposal of WP 32138 (W) of 2014.

11. With the aforesaid observations, FMA 534 of 2024 is disposed of. Consequently, CAN 1 of 2026 is also disposed of.

12. There shall be no order as to cots.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Anuj Singh, J.)