
(2005) 02 RAJ CK 0023

In the Rajasthan High Court

Case No : Civil Writ Petition No. 3006 of 2004

Badri Lal Sharma

APPELLANT

Vs

University of Rajasthan

RESPONDENT

Date of Decision : 09-02-2005

Acts Referred:

Citation : (2005) 3 LLJ 627 : (2005) 3 RLW 1934

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Advocate : Sanjay Joshi, for the Appellant; Y.C. Sharma, for the Respondent

Final Decision : Allowed

Judgement

Ashok Parihar, J.—There is no dispute that the petitioner stood retired from service on reaching the age of superannuation on 31.7.1997. Amount of provident fund so far as contribution made by the petitioner, has been paid in the month of April, 1998. However, the amount of contribution made by the respondent- University was withheld and the same was paid only in the month of June, 2003. The only reason for withholding the amount of contribution made by the respondent-University towards provident fund as given in the reply, has been that there was a criminal case pending against the petitioner at the relevant time.

2. Learned counsel for the respondents has not been able to show any rule or provision either under the Provident Fund Act or the Service Rules governing the service conditions of the employees of the respondent University by which part of provident fund amount can be withheld pending criminal case against an employee. Even no provision has been shown by which any deduction could also be made by way of punishment after conviction of an employee. Since the contribution of the respondent University made against the provident fund account of petitioner has been withheld without any valid reason, in my opinion, the petitioner is entitled for interest on the amount so withheld.

3. Accordingly, the writ petition is allowed. The petitioner is held entitled for

interest @ 9% which is prescribed rate of interest under the Provident Fund Act on the amount of contribution of the respondent-University towards the provident fund account of the petitioner from the date it was due till the date it was paid. The amount, as ordered above, may be paid within 30 days from the date of receipt of certified copy of this order. Since no justification, whatsoever, has been given by the respondent University for withholding the amount without any authority of law, I deem it proper to direct the respondent University to pay a cost of Rs. 5,000/- also to the petitioner, which may be paid alongwith the arrears, as ordered above.