

(2004) 07 GUJ CK 0076

In the Gujarat High Court

Case No : Special Civil Application No. 3171 of 1990

Harilal Manekchand Bavishi

APPELLANT

Vs

Dhoraji Nagarpalika

RESPONDENT

Date of Decision : 23-07-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 07 GUJ CK 0076

Hon'ble Judges : J.N. Bhatt, J

Bench : Single Bench

Advocate : S.V. Raju, for the Appellant; Premal R. Joshi, for the Respondent

Judgement

J.N. Bhatt, J.—It is really very unfortunate that an employee or the worker, who is entitled to the full amount of provident fund on his superannuation, on 30.4.1989, was not paid in time, which, by the host of the judicial pronouncement, has been seriously criticized, as after the retirement, apart from the avowed policy, the retiree, has to be paid full amount due and payable to him in lieu of retiral benefits, including an amount of provident fund, wherein, he has equal share so as to enable him to charterout his December days of life and any delay, in such payment, can never be lightly countenanced. It is an admitted fact, in this petition, under Article 226 of the Constitution of India, that the provident fund amount due and payable to the petitioner employee of the respondent- authority, on the date of his retirement, was RS.55,056.60 paisa-. The said amount, which was required to be paid in 1989, came to be paid by four installments by the respondent authority, lastly on February 3, 1991.

2. The petitioner, in this petition has, therefore, sought the direction to the respondent authority for payment of interest for delayed payment of provident fund amount of RS.55,056.60 with interest at the rate of 18% per annum. In view of the settled proposition of law and the policy of the respondent, as well as, the Government, the payment of interest on the delayed payment of any dues after retirement, muchless, the amount of provident fund is an incumbency

upon the respondent or the employer. The claim made by the petitioner for payment of interest at the rate of 18% is disputed by the respondent authority only in respect of quantum of interest. Since, there is no dispute about the fact that there is a delayed payment of provident fund due and payable to the petitioner by the respondent authority and since only the rate of interest payment on delayed amount and delayed period may be paid as it has been paid in the four installments. The ends of justice would be met, if the respondent authority is directed to pay delayed payment of provident fund amount for the period as it has been paid in four installments at the rate of 10% Per annum within a period of 8 weeks from today, failing which the rate of interest shall be 12% per annum. With these observations and directions, this petition is allowed. Accordingly, the petition is disposed of with costs, which quantified at Rs.2000/- . Rule is made absolute to the above extent only.