(2010) 12 MP CK 0001

In the Madhya Pradesh High Court

Case No : Writ Petition No. 4934 of 2008 (S)

Hukum Singh and Another APPELLANT

Vs

State of M.P. and Others RESPONDENT

Date of Decision : 01-12-2010

Acts Referred:

Citation : (2011) 1 MPJR 245

Hon'ble Judges : S.K. Gangele, J

Bench : Single Bench

Judgement

S.K. Gangele, J.

Petitioner have filed this petitioner in regard to payment of E.P.F. as well as pension to the petitioners.

The petitioner No. 1 was appointed as Assistant Teacher on 01.04.1973 and retied as Upper Division Teacher after attaining the age of superannuation w.e.f. 24.03.2008. The petitioner No.2 was appointed as Assistant Teacher in the year 1965. He retired from service w.e.f. 31.03.2005 after attaining the age of superannuation.

As per the petitioners, the employer had deducted the contribution of E.P.F. and pension contribution from the salary of the petitioners, however, the same has not been deposited in the E.P.F. / Pension accounts of the petitioners with respondent No.45 hence, the petitioners have not received the F.P.F. and they have also not been paid pension.

Respondents No.2 and 3 in the return have stated that the answering respondents have deposited an amount Rs.5,44,143/- and Rs.6197/- towards E.P.F. of its employees in Account No. MP.3886 with respondent No.4 for a period from 01.08.1982 to February 2000., it has further been stated in the return that the amount of E.P.F. towards liability of petitioner No.1 of Rs. 47,115/- has been included in the aforesaid amount and the name of the petitioner No.1 was included in the list of the employees. Similarly, the amount of Rs.47,538/- has also been deposited towards E.P.F. account of petitioner No.2, it has further been further submitted that the amount of E.P.F. of petitioner No.1 from March 2000 to November 2005 has also been deposited in account No.SB/PF/103 and the remaining amount of E.P.F. of petitioner No.2 was also deposited by the answering respondents in the Account No.SB/ PF/102 for a period from March 2000 to March 2005 and thereafter, the petitioner No.2 retired from service after attaining the age of superannuation. In regard grant of pension under the Employees Family pension Scheme, 1995, the respondents have contended that the petitioners are not entitled to receive the aforesaid benefit.

Respondent No.4 in its return has categorically stated that respondents No.2 and 3 have deposited amount of Rs.5,44,143/- and Rs.6197/ - in account No.MP/3886 towards the provident fund contribution of employees for the period from 1983-84 up to 1999-2000, however, necessary returns and information in Form No.3A/6A have not been submitted by respondents No.2 and 3, hence E.P.F. amount of the petitioners could not be released. It has further been submitted by respondent No.4 that the petitioners were not the members under the Employees Family Pension Scheme, 1995 nor any contribution has been paid by the petitioners towards the aforesaid pension scheme., it has further been submitted that the employer has also not deposited the contribution towards family pension Scheme. Hence, the petitioners are not eligible to receive the benefit of pension under the Employees family pension Scheme, 1995.

From the facts of the case, it is clear that as per the contentions of respondents No.2 and 3 they have deposited the E.P.F. amount of the petitioners with respondent No.4. It is the statutory liability of respondents No.2 and 3 to deposit E.P.F. amount with respondent No.4. The petitioners further contended that respondents No.2 and 3 have deducted the amount of contribution towards Employees Family Pension Scheme from the salary of the petitioners, but the same has not been deposited with respondent No.4.

In this view of the matter, the petition of the petitioners is disposed of with the following directions:

(1) That, respondent No.4 shall verify the factum of deposit of E.P.F. amount in the account of the petitioners as pleaded by respondent No. 2 and 3 and if any amount is due that shall be deposited by respondents No.2 and 3 with respondent No.4 within a period of two weeks from the date of receipt of the information from respondent No.4. The respondent No.4 shall complete the verification process within a period of two weeks from the date of receipt of a copy of this order.

(2) Respondent No.4 shall further verify the fact that whether any amount towards contribution of Employees Family Pension Scheme, 1995, was deducted by respondents No.2 and 3 from the salary of the petitioners and if, it be found true, then the respondents No.2 and 3 shall deposit the aforesaid contribution

with respondent No.4 with requisite forms and thereafter the petitioners cases for family pension would be finalized by respondent no.4 and the E.P.F. amount be also paid to the petitioners by respondent No.4 within a period of four weeks. This order be complied with in letter and spirit.

(3) The petitioners shall also be entitled the cost of Rs. 5000/- (Rupees Five Thousand) only each from respondents No.2 and 3.