
(2010) 01 JH CK 0176
In the Jharkhand High Court
Case No : Writ Petition (S) No. 1568 of 2008

Lalan Kumar Thakur

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 11-01-2010

Acts Referred:

Employees Provident Funds and Miscellaneous Provisions Act, 1952 — Section 7A, 7I

Citation : (2010) 126 FLR 88 : (2010) 4 LLJ 280

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.N. Patel, J.—Learned counsel appearing for the petitioner submitted that the grievance ventilated in this petition is about the payment of Provident Fund amount. It is alleged by learned Counsel for the petitioner that right from the year 1980, the petitioner is serving with the respondent-Corporation and the amount towards the Provident Fund contribution has been deducted from his salary but the same has not been deposited in the separate bank account.

2. Learned Counsel for the respondent-Corporation has filed a detailed affidavit dated January 8, 2010, wherein, it has been stated that the respondents have deducted statutory amount, which the petitioner is liable, to contribute towards the Provident Fund from December, 1984 onwards and the same has been deposited in the Oriental Bank of Commerce, Kutcher Branch, Ranchi in PF Account No. 31019, The amount deposited in the petitioner's account has been accumulated at Rs. 45,959.15 (Rupees forty five thousand nine hundred fifty nine and fifteen paise only). Looking to the details of this affidavit prima facie, I am satisfied that there is deduction and deposition of amount, still the petitioner raises contention about the year from which the deduction is made and about calculation of the; amount plus Interest etc.

It is vehemently submitted by learned Counsel for the respondent-Corporation

that there is a separate provision for all these calculations etc., namely, the Employees Provident Funds & Miscellaneous Provisions Act, 1952 (hereinafter to be referred to as the "Act, 1952") and let this petition be treated as an application u/s 7A of the Act, 1952 and be decided by concerned Provident Fund Commissioner. There is also appellate provision u/s 7I of the Act, 1952 so that all the grievances ventilated in this petition may be brought to an end and if need arises by taking evidence on record.

3. In view of this limited submission by learned Counsel for the petitioner about the calculation of the Provident Fund amount and deposition of the same from 1980 onwards, I hereby, direct the petitioner to prefer an application u/s 7A of the Act, 1952 before the concerned authority, who will initiate the inquiry and will pass the necessary order, in accordance with law and if the petitioner is aggrieved, the appellate provision is also provided therein.

4. In view of this efficacious alternative remedy, I am not inclined to entertain this writ petition at this stage and, hence, the petition is, hereby, dismissed for having an efficacious alternative remedy and the petitioner is at liberty to prefer such an application u/s 7A of the Act, 1952.