

(2018) 04 DEL CK 0037

In the Delhi High Court

Case No : W.P.(C) 3331 Of 2018 & CM APPL. 13117 Of 2018

Sh. Ramesh Chander Pandey

APPELLANT

Vs

Employees Provident Fund Organization (Through Regional
Office Delhi-Central) And Anr

RESPONDENT

Date of Decision : 06-04-2018

Acts Referred:

Citation : (2018) 04 DEL CK 0037

Hon'ble Judges : VINDOD GOEL

Bench : Single Bench

Advocate : Mr.Jaideep Singh, Mr.Keshav Mohan, Mr.Piyush Choudhary

Final Decision : Disposed Of

Judgement

CM APPL. 13117/2018 (Exemption)

Exemption granted subject to all just exceptions. The application stands disposed of.

W.P.(C) 3331/2018

1.On an advance copy of the writ petition having been served, Mr.Keshav Mohan, Advocate has put in appearance on behalf of respondent No.1.

2.It is submitted by learned counsel for the petitioner that the petitioner was an employee of respondent No.2 during the period from July 2009 to

March 2016 and he was allotted Provident Fund Membership No.DL/19503/343 along with Universal Account No.100304497972 and Account

No.DL/CPM/0019503/000/0000343.

3.The petitioner has resigned from service of respondent No.2 on 31.03.2016.

4.Admittedly, the petitioner has submitted an application for release of his provident fund dues on 07.07.2017 which was rejected by respondent No.1

by a communication dated 08.08.2017 for the reason that claim is not attested by the Establishment i.e. respondent No.2. Admittedly, on 07.11.2017

the petitioner submitted another requisite composite claim form duly filled in and attested by the Branch Manager, State Bank of India, Defence

Colony, New Delhi where the petitioner has been having his Saving Bank Account No.33181026222 pursuant to the instructions/guidelines laid down

by respondent No.1. Unfortunately, this claim was rejected by the respondent No.1 as per communication dated 26.12.2017 for the reasons that form

not traceable.

5.Learned counsel for respondent No.1 fairly admitted that this form duly verified and signed by the Branch Manager of the State Bank of India was

received by the respondent No.1. However, he submits that this petition may be treated as a representation with the direction to the petitioner to

pursue his application through his employer i.e. respondent No.2.

6.There is no force in the submission of learned counsel for respondent No.1. When the requisite form duly filled in and attested by the concerned

Branch Manager as per the general instructions of respondent No.1 has been received by respondent No.1, there was no justification at all with the

respondent No.1 to withhold the hard earned money of the petitioner by taking casual and whimsical approach.

7.In the circumstances, respondent No.1 is directed to release the provident fund dues of the petitioner within four weeks by crediting the due amount

in his said Saving Bank Account with State Bank of India.

8.Petition is disposed of accordingly.

9.Order dasti under signatures of the Court Master.