

(2010) 08 GUJ CK 0027

In the Gujarat High Court

Case No : Special Civil Application No. 4653 of 1995

Shri Kalyan Sengupta

APPELLANT

Vs

Regional Provident Fund Commissioner and Another

RESPONDENT

Date of Decision : 04-08-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 08 GUJ CK 0027

Hon'ble Judges : D.A. Mehta, J

Bench : Single Bench

Advocate : Satyajit Sen, for the Appellant; Y.N. Ravani, Archana U. Amin for Respondent 1 and J.D. Ajmera, for Respondent 2, for the Respondent

Final Decision : Allowed

Judgement

D.A. Mehta, J.—The petitioner had claimed following substantive relief:

this Hon"ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in nature of mandamus under Article 226 of the Constitution of India, ordering and directing the respondents by themselves, their officers, subordinates servants and agents to pay forthwith to the petitioner Rs. 1,23,571.00 or such amount standing to the credit of petitioner"s P.F. a/c. No. GJ/279/16448, GJ/287/7260, GJ/310/6414 and GJ/314/5061 alongwith interest payable as per rules of P.F. Act and Scheme, 1952;

After the petition was admitted, an order came to be made on 31st July, 1996 by the Court in the following terms:

Interim relief directing the respondent No. 1 to take steps in accordance with law for the recovery and payment of the Provident Fund amount that may be due and payable to the petitioner as per his claim, within two months from today.

Sd/- Dt. 31/7/96 (R.K. Abichandani, J.)

2. In compliance with the aforesaid direction, learned Counsel states that the

petitioner has received a sum of Rs. 88,000/- vide cheque dated 1st August, 1997. According to the petitioner, further amount is due to the petitioner, which has not been paid by the respondents.

3. Considering the relief prayed for and the interim payment made by the respondent authorities in compliance with the direction issued by this Court, the petition is required to be disposed of with the following directions.

4. Respondent authorities are directed to work out the total amount due to the petitioner as Provident Fund standing to the credit of the petitioner along with interest at the stipulated rates applicable from time to time and pay the same along with details of working to the petitioner, preferably within a period of three months from today.

5. In the event if there is any dispute as to the figure thus worked out it will be open to the parties to take recourse to legal remedy as may be available in law.

6. The petition stands allowed accordingly in the aforesaid terms. Rule made absolute with no order as to costs.