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**(2011) 08 CAL CK 0121**  
**In the Calcutta High Court**  
**Case No : Writ Petition No. 9742 (W) of 2009**

Smt. Pramila Dey

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

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**Date of Decision :** 26-08-2011

**Acts Referred:**

**Citation :** (2011) 08 CAL CK 0121

**Hon'ble Judges :** Jyotirmay Bhattacharya, J

**Bench :** Single Bench

**Advocate :** Sutirtha Das, for the Appellant;Sadananda Ganguli, Debapratim Banerjee for the State and Sujoy Bandopadhyay, for the Private Respondent No. 8, for the Respondent

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## Judgement

Jyotirmay Bhattacharya, J.—The Petitioner herein, who was an approved Matron in Baipatna Vidyasagar High School (H.S) in the District of Paschim Medinipur, retired from service on superannuation with effect from 31st March, 2006. Her provident fund dues were not paid to her after her retirement. As such, she filed the instant writ petition for issuance of direction upon the State Respondents for payment of her provident fund dues together with interest at the rate of 18% per annum from the date of her retirement upto the date of her actual payment thereof. During the pendency of this writ petition, the provident fund dues of the Petitioner together with interest at the rate of 6% per annum thereon upto the date of her retirement, was paid to the Petitioner on 10th August, 2009.

2. Since the interest on such delayed payment of the provident fund dues upto the date of actual payment thereof has not been paid to her, she now claims interest on delayed payment of such provident fund dues upto the date of actual payment thereof.

3. The State Respondents, in their affidavit, disowned their liability to pay interest on delayed payment of such provident funds dues of the Petitioner. They claimed that since the school authority was responsible for such delay in payment of such provident fund dues of the Petitioner, the State Respondents

cannot be held liable to pay any interest to the Petitioner for the disputed period.

4. Even assuming that the State Respondents are justified in fixing responsibility upon the school authority for the delay in releasing the provident fund dues of the Petitioner but still then the Petitioner's entitlement to receive such payment immediately on her retirement cannot be denied. Thus, this Court finds that she was deprived of enjoying her own money for such a long period due to the delayed release of her provident fund dues. The Petitioner herein, who is not responsible for the delay, in my view, is entitled to get interest during the period of such delay.

5. That apart, normally the provident fund money is kept in deposit in the P.F. account carrying interest. It is nobody's case that such amount was not kept in deposit with P.F. account during the disputed period. As such, if the interest which was accrued on such deposit, so long as the money was kept in 3 deposit in the P.F. account, is paid to the Petitioner neither the State Respondents nor the school authority will suffer any loss and at the same time the loss which the Petitioner has suffered due to delayed payment of such provident fund dues can be compensated by payment of such interest to her.

6. Accordingly, this Court disposes of this writ petition by directing the State Respondents to pay an equivalent amount of interest which the deposited amount actually carried upto the date of payment of the provident fund dues of the Petitioner, which still remains unpaid. In the event it is found that such amount of money towards the P.F. dues of the Petitioner was not kept in deposit with the P.F. account during the disputed period, then the Respondents are required to pay equal amount of interest which could have been earned, had the said money been kept in deposit with the P.F. account during the disputed period.

7. Such payment should be made to the Petitioner within six weeks from the date of communication of this order to the concerned Respondents.

8. The writ petition is, thus, disposed of.

9. Urgent xerox certified copy of this order, if applied for, be given to the parties as expeditiously as possible.