

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 150 OF 2020

Lourdes Mascarenhas thr. Her POA Joan
Mascarenhas

..... Petitioner

V e r s u s

Naval K. G. School & Ors.

..... Respondents

Mr. Kapil Kerkar, Advocate for the Petitioner.

Mr. G. Sardesai, Advocate for Respondent no.1.

Mr. P. P. Singh, Advocate for the Respondent no. 2.

Coram :- M. S. SONAK &
M. S. JAWALKAR, JJ.

Date : 7th October, 2020

P.C.

1. Heard Mr. Kerkar, learned Counsel for the petitioner, Mr. Sardesai, learned Counsel for the respondent no.1 and Mr. P. P. Singh, learned Counsel for the respondent no.2.

2. In this case, the grievance of the petitioner is about the non-payment of provident fund dues.

3. The record indicates that by order dated 30.08.2018, which is to be found at annexure 'N' to the petition (page 53 to 79), an authority under the EPF and MP Act has directed the respondent no.1 to deposit the outstanding dues of Rs. 19,99,513/- within fifteen days from the date of its order. This order is without prejudice to any other action and may be taken for penal damages and interest for which, a separate order is proposed to be made.

4. As against this order, the respondent no.1 appealed to the Appellate Authority but this appeal has been dismissed by order dated 13.12.2019.

5. All this while, the orders dated 30.08.2018 and 13.12.2019 were neither challenged nor complied with by the respondent no.1. This forced the petitioner to institute the present petition complaining about non-payment despite two favourable orders.

6. Time was sought by the respondents in this matter to file reply. Reply has been filed but the time was primarily utilized for instituting a petition ten days ago to question the orders dated 30.08.2018 and 13.12.2019.

There is no interim relief obtained in the petition. These are two orders where retired employee is claiming dues under the provisions of the PPF Act, which is a labour or employees welfare legislation.

7. Mr. Sardesai, learned Counsel for the respondent no.1, pointed out that the petitioner was a Headmistress and it was basically her default that there were no compliances. At this stage, it is too premature to decide such issues. However, that despite the petitioner having two favourable orders in her favour, respondent no.1 neither challenged these orders nor complied with the same.

8. In these circumstances, we direct the respondents to deposit the entire amount in terms of the order dated 30.08.2018 in this Court within a period of one week from today.

9. Mr. Sardesai, learned Counsel, submits that the entire amount of Rs.19,99,513/- has already been deposited by the respondent no.1 before the respondent no.2.

10. Mr. P. P. Singh, the learned Counsel for the respondent no.2, confirms this position but points out that this amount was not deposited by the respondent no.1 and had to be taken from the bank account of the respondent no.1. Further he pointed out that this amount is not the entire amount but only employer's contribution. He, together with Mr. Kerkar, learned Counsel for the petitioner, submits that more amounts are liable to be paid by respondent no.1.

11. Insofar as the rival contentions are concerned, they can be gone into at a later stage in these proceedings. However, now that respondent no.2 has this amount of Rs.19,99,513/-, the respondent no.2 to deposit this amount in this Court within a period of one week from today.

12. If, for any reason, this deposit is not made within one week from today, then, the Asst. Regional Provident Fund Commissioner of the Office of the Regional Provident Fund Commissioner to remain personally present in this Court.

13. Within one week from today, the respondent no.1 to furnish a detailed statement of accounts as to what further amounts are due and payable. The respondent no.2 to also furnish its own calculation and chart within one week from today.

14. In case the respondent no.1 has difficulties in furnishing this chart, the Headmaster of respondent no.1 to remain personally present in this Court.

15. Stand over to 14.10.2020.

16. It is made clear that no unnecessary motions for adjournment will be entertained in this case since, the petitioner, is claiming provident fund dues.

M. S. JAWALKAR

M. S. SONAK, J.

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