

Sr. No.	Date	Orders
		<p data-bbox="388 257 757 290">29-09-2003</p> <p data-bbox="388 340 1475 504"> Present: Mr.V.Shekhar for the appellant. Mr.Jitendra Sethi for respondents 1 & 2. Mr.R.C.Chawla for respondent-RPFC. Mr.S.K.Bhaduri for Calcutta Workers Union. </p> <p data-bbox="551 580 866 613"><u>LPA No.372/2003</u></p> <p data-bbox="388 624 404 646">*</p> <p data-bbox="539 705 1496 1880"> The main dispute in the writ petition concerns the respondents 1 & 2 on the one hand and respondent No.5 on the other. Unfortunately, the sufferers are the workers of the respondent No.2. The respondent No.5 wants an audit of the records of respondent No. 1 & 2 relating to the provident fund dues lying in the custody of respondent No.1, which admittedly are payable to the workmen. The appellants being the registered trade unions of the employees of respondent No.2 had filed the present appeal being aggrieved by the adjournment granted in the writ petition of by the learned Single Judge. Case of the appellant is that the workers are being unnecessarily deprived the benefit of their provident fund itself, which in any case are payable to them. </p>



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 Digitally Signed
 By: AMULYA

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		<p data-bbox="505 279 1451 1126">On 24.9.2003 we had heard the parties and the counsel representing the workmen as well as the respondent No.5 agreed that a committee consisting of one representative each of respondent Nos.1, 2 & 3 alongwith the two Advocates namely Sh.S.K.Bhaduri and Mr.Sidharth Gautam representing the workers would have meeting on Saturday the 27th September, 2003 to decide the mode and modality of making payment to the employees, pending determination of the issues raised in the writ petition before the learned Single Judge.</p> <p data-bbox="505 1170 1451 1454">The committee met on 27.9.2003. Report has been filed which is taken on record. The agreed procedure for the PF disbursement is contained in the report. The same is as under:-</p> <p data-bbox="551 1498 1379 1655">“ (i) Detailed employees lists are to be filed in the Delhi High Court with copy to be sent to RPFC Kolkata giving the P.F. disbursement amount payable against each beneficiary.</p> <p data-bbox="551 1699 1379 1895">(ii) The Trust through its Chairman shall file an affidavit before the Delhi High Court to the effect that the lists submitted vide counter Affidavit in LPA No.372 of 2003 giving the names of the employees to whom the Trust proposed to</p>

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		<p>disburse the amount of Provident Fund is authentic.</p> <p>(iii) The Company through its Chairman shall file an undertaking in the Delhi High Court that if payment made to a particular employee is found to be in excess, the Company undertakes to recover the same, the Company would reimburse the said amount to the Trust. Also if the balance amount in the Trust after disbursement of amount in question is less than the amount required to be paid to other employees, the shortfall will be made good by the Company. This is to ensure that the interest of the all other employees is protected.</p> <p>(iv) Disbursement list to be submitted from time to time to Central Bank of India, Nepean Sea Road Branch, Mumbai whenever discharge vouchers for 50 employees are in hand or once a fortnight if number is below 50, giving bank account details as furnished by employees in the discharge voucher, so as to enable the Central Bank of India to effect direct credit of the amounts to the bank accounts of the said beneficiaries.</p> <p>(v) Central Bank of India, Nepean Sea Road Branch, Mumbai will compare whether the amount tallies with the lists and in terms thereof intimate Reserve Bank of India regarding the relevant payment details debiting the Special Deposit Scheme Account with the amount and handling charges from time to time and arrange to have the Demand Draft/Pay Order-Bankers Cheque mailed by Registered Post to the banks of the beneficiaries specified in the Discharge Vouchers for credit to their Bank ensuring that the amounts are credited to the beneficiary's account only.</p>

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		<p data-bbox="561 325 1384 482">(vi) The Trust shall also inform the concerned beneficiary that the P.F.amount has been remitted for credit to his Bank account by Registered Post.</p> <p data-bbox="561 526 1384 886">(viii) Utilization Certificate to be obtained every two months from the Central Bank and filed in the Delhi High Court with a copy to the RPFC, Kolkata. Along with the bank Utilization Certificates the detailed list of employees to whom disbursements have been effect in terms of the Utilization Certificate would be furnished and filed in the Delhi High Court with copy to RPFC, Kolkata."</p> <p data-bbox="514 934 1451 1622">Today in Court on behalf of respondents 1 & 2 an affidavit has been filed which is sworn by Mr.Vinod Krishna Chairman of respondent No.1 annexed therewith as Annexure R-1 to R-4 is a list containing the names of employees showing the PF amount payable to them as on 30th September, 2003. Counsel agreed that the said list has been duly verified by the respective unions and the names therein are accepted.</p> <p data-bbox="514 1670 1451 1867">In accordance with the procedure for the disbursement as agreed in the minutes of the meeting dated 27th September, 2003, we order for disbursement</p>

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		<p>of amount which is lying with the Trust.</p> <p>According to the counsel for the Trust an amount of 15.99 crores is lying in the account of the Trust out of which Rs.13.46 crores is to be disbursed to the employees whose names find mentioned in Annexure R-1 to R-4. The balance amount would remain in the Trust for the workers who continue to be an employment.</p> <p>The above order is passed by consent of the parties. It is agreed to by the parties that this order would not come in the way of the respondent No.5 seeking information from the Trust and the Trust would be bound to supply the information sought for by respondent No.5. The order would be without prejudice to the rights and contentions of the parties in the writ petition and would be subject to any final orders which may be passed in the writ petition. It is further clarified that this consent order would not be construed as if the respondent No.5 has accepted the figures as provided by the respondent No.1.</p>

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		<p>The order has been passed with the consent of the parties because all agreed that the workmen have to get their dues of the provident fund, which already have been delayed to them and whatever has been agreed to, should be implemented.</p> <p>A copy of this order be given to the counsel for the parties forthwith. Copy of this order be also sent by the Registry to the Public Accounts Department, Reserve Bank of India as well as to the Central Bank of India for compliance.</p> <p>The payments must be disbursed within two weeks from today. With the directions aforesaid, the appeal stands disposed of.</p> <div style="text-align: right;">  USHA MEHRA, J. </div> <div style="text-align: right;">  PRADEEP NANDRAJOG, J. </div> <p>SEPTEMBER 29, 2003 sb</p>