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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26800 of 2022

Sanat Roy
Vs.
The Regional Provident Fund Commissioner & Ors.

Mr. R. Guha Thakurta
Ms. Senjuti Sengupta
Ms. Dipa Roy
... For the petitioner.

Mr. Satyendra Agarwal
... For the respondent no.1.

Ms. Anamika Pandey
... For the respondent nos. 2 and 3.

Pursuant to the direction passed by this Court on 19th December, 2022, Ms. Pandey, learned advocate representing the respondent nos. 2 and 3, has produced a cheque for sum of Rs.2,81,308.30/- drawn in favour of the petitioner. She says that the aforesaid amount constitutes the entire provident fund accumulations payable to the petitioner. She also prays for leave to file an affidavit so as to include therein the particulars of computations in respect of the provident fund accumulations of the petitioner.

Mr. Guha Thakurta, learned advocate representing the petitioner submits that his client is ready and willing to accept the aforesaid sum of Rs.2,81,308.30/- without prejudice to his rights and contentions in the present application. He, however, submits that the respondent

nos. 2 and 3 should be directed to forthwith provide the particulars of the computations as regards the provident fund accumulations of the petitioner. He further submits that the respondent nos. 2 and 3 should also be directed to disclose all documents in connection with the pensionary benefits payable to the petitioner.

Mr. Guha Thakurta, submits that his client is ready and willing to execute documents for availing the pensionary benefits and if any such document is required to be executed, he undertakes that his client shall execute all such documents as may be required by the respondent nos. 2 and 3 for the purpose of availing the pensionary benefits as also for disbursal of provident fund accumulations.

Mr. Agarwal, learned advocate representing the respondent no.1 submits that the respondent nos. 2 and 3 have not favoured the respondent no.1 with the required documents from them to process the petitioner's application for release of pensionary benefits.

In view of the submissions made by the learned advocates appearing for the respective parties, I am of the opinion that the petitioner should accept the aforesaid cheque dated 20th January, 2023 for sum of Rs.2,81,308.30/- without prejudice to his rights and contentions in the present application.

Let the cheque for Rs.2,81,308.30/- dated 20th January, 2023 be made over to Mr. Guha Thakurta, who accepts the same on behalf of the petitioner.

The respondent nos. 2 and 3 shall be at liberty to file their affidavit-in-opposition to the present application disclosing all details of calculations not only with regard to the provident fund accumulations of the petitioner but also with regard to the steps taken by the said respondents for processing the petitioner's application for releasing the pensionary benefits.

Let such affidavit-in-opposition be filed within a period of four weeks from date. Reply, if any, thereto, be filed within two weeks thereafter.

Liberty to mention for inclusion in the list after expiry of the period for exchange of affidavits.

A copy of the affidavit-in-opposition to be filed by the respondent nos. 2 and 3 be served on the respondent no.1.

Let a photostat copy of the cheque dated 20th January, 2023, as produced by Ms. Pandey in Court today, be kept on record.

(Raja Basu Chowdhury, J.)