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C.A.No. 1832 OF 2004
ITEM No.57

Court No. 3

SECTION XV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.1832/2004

MANIPAL ACADEMY OF HIGHER EDUCATION

Appellant (s)

VERSUS

PROVIDENT FUND COMMISSIONER

Respondent (s)

(Prayer for interim relief and Office Report)

With

C.A.No.2535/2004,C.A.No.2536/2004,C.A.No.2539/2004,
C.A.No.2540/2004,C.A.No.2541/2004

Date : 13/09/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr. Ranjit Kumar, Sr.Adv.
Mr. Lakshmi Raman Singh,Adv.

For Respondent (s)Mr. KP. Pathak, ASG
Mr. Shailendra Sharma, Adv.
Ms. B. Sunita Rao, Adv.
Mr. B. Krishna Prasad,Adv.

UPON hearing counsel the Court made the following
O R D E R

Having heard learned counsel for the parties, we do not think that any case has been made out to stay the operation of the impugned judgment. We, however, direct that before disbursal of the provident fund to the employees to the extent of the leave encashment, the Provident Fund Commissioner shall take, from each employee, an undertaking that in the event of the appeal being decided in favour of the employer, the employee would return the share in respect of leave encashment contributed by the employer. On the basis of such undertaking, in the eventuality of the success of the appeal, it would be open to the appellant to recover that amount from the employees.

(S. Thapar)
PS to Registrar

(V.P. Tyagi)
Court Master