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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 9th October, 2020

+ W.P.(C) 7600/2020

SHOVAN PATRA

..... Petitioner

Through: Mr.Siddharth & Mr.Amit Kumar
Aggrwala, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Puneet Garg, Advocate
for R-7, 8 & 9.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

1. This so-called Public Interest Litigation has been preferred for the following prayers:

“a) *To allow the instant Public Interest Litigation (PIL) of the petitioner with. a direction to the Respondents to modify the existing EPFO Software, in accordance with the provisions of the EPF & MP Act 1952 and the Schemes framed there-under, so that only eligible employees of the covered establishments may be enrolled as member of Employees' PF Scheme 1952 & Employees' Pension Scheme 1995.*

(b) *To issue direction(s) to the Respondents for taking decisions about the existing ineligible PF & EPS members for retaining or for settling their accumulated funds lying with EPFO with specific justifications in*

accordance with the Law. The decisions regarding deceased ineligible PF/ EPS members whose leg-al heirs had availed and/or are availing benefits from the EPFO may also be considered sympathetically.

- (c) *To issue necessary direction(s) to Union of India/The Central Government for / enhancement the ceiling of PF wages from Rs. 15,000/- P.M. prescribed in Para 2(f) of EPF Scheme 1952 to a specific limits based on present inflation rate in the general interest of all workers/employees, or (d) To pass any other direction(s) to the respondents as this Hon'ble Court which may be deemed fit and appropriate in the interest of justice.”*

2. It appears that the petitioner is an employee of the respondent/institution, and holds the post of Accounts Officer. He appears to have a difference of opinion with his superior officers about the implementation of the Employees Provident Fund & Miscellaneous Provisions Act, 1952 [hereinafter referred to as “the Act, 1952”].

3. In the writ petition, the petitioner has alleged various violations of the Act, 1952 and Schemes framed thereunder, which according to him, are resulting in loss to the exchequer, including *inter alia* enrolment of excluded employees and withdrawal of provident fund amounts contrary to the existing Rules. The petitioner has also stated that certain remedial measures are required to be taken, including by modification of the software system employed by the respondent organisation. It further appears from the narration in the petition that this petitioner has put an endorsement to this effect before high ranking administrative officers of the respondents, but they have taken a different view regarding the implementation of the Act, 1952. The petitioner then appears to have taken the matter up directly with the highest levels in the respondent organisation, and has also submitted a

grievance with the Prime Minister's Office.

4. We have heard learned counsel for the petitioner at length. Learned counsel for the petitioner submitted that there are several errors in the implementation of the Act, 1952. It is also submitted by learned counsel for the petitioner that the existing software developed by the respondents for becoming a member under the Act, 1952 has certain defects. Thus, the petitioner is in search of modification of the software developed for enrolling the employees as a member of Employees' Provident Fund Scheme, 1952 & Employees' Pension Scheme, 1995 of the respondents.

5. It appears that due to having a difference of opinion with the superior officers, this petitioner has preferred the present public Interest Litigation with a view to vindicate his position and/ or teach a lesson to the high ranking administrative officers of the respondents. It ought to be kept in mind that the administrative disputes of this nature resulting from a difference of opinion between the petitioner and the superior administrative officers of the respondents have to be resolved by existing administrative procedures, and should not lead to filing of public interest litigations. There are ways and means to convince the high ranking officers of the stand taken by the petitioner, and for the modification of the software in question, if necessary. Always the procedures adopted and software developed for any functioning is subject to amendment, provided a decision to that effect is taken at the appropriate administrative level. Learned counsel for the petitioner was unable to point to any misfeasance or other *mala fide* on the part of the superior officers of the respondent which have resulted in their taking a position contrary to that of the petitioner.

6. A petition like the present one is not appropriately the subject matter

of a Public Interest Litigation at all. It is not desirable that an administrative officer approaches the Court by way of a Public Interest Litigation under Article 226 of the Constitution of India against the view taken by his superior administrative officers, whether to vindicate a position of which he is convinced or to teach a lesson to the high ranking officer. There is no allegation in the present case of any *mala fides*, or any supporting material, for us to entertain the present public interest litigation. A public interest litigation cannot be filed merely because suggestions of the officer have not been accepted by the superior officers.

7. Hence, we see no reason to entertain this writ petition. Nonetheless, the respondents may look into the existing procedures and practices and if the need arises, an amendment in the same and/or a modification in the software used by the respondent may be carried out in accordance with law, rules, regulations and government policies applicable to the facts of the case.

8. We were inclined to impose costs upon the petitioner, to be deducted from his salary, but at the request of learned counsel for the petitioner, we desist from doing so at this stage.

9. With these observations, this petition is dismissed, but without costs.

CHIEF JUSTICE

PRATEEK JALAN, J

OCTOBER 9, 2020/ 'hkaaur'