

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 22639 of 2013

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Suresh Mandal, Son of Late Phoola Mandal, C/O Yogendra Mishra,
Advocate, Gorakh Nath Path, Boring Road, Patna.

.... Petitioner

Versus

1. Employees Regional Provident Fund Commissioner, R. Block, Patna.
2. Adithi, C/o Er. K.P. Singh, I.A.S. Colony, P.O. Danapur, New Bailey Road, Patna through Sri Ganesh Prasad Singh, Managing Director.
3. Managing Director-cum-Finance Manager/Advisor, Adithi, C/o Er. K.P. Singh, I.A.S. Colony, P.O. Danapur, New Bailey Road, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Yogendra Mishra
Mr. Binod Kumar

For the Respondent/s : Mr. Satyendra Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7. 29-09-2015 Heard Sri Yogendra Mishra, learned counsel, who was assisted by Sri Binod Kumar, learned counsel for the petitioner and Sri Satyendra Kumar Jha, learned counsel, who has appeared on behalf of respondent/Employees Provident Fund Organization.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the respondent no. 1 to recover the full provident fund amount from respondent no. 2 & 3 i.e. private organization, where the petitioner was earlier employed, with interest and further prayer has been made for directing the respondents for payment of entire provident fund amount with admissible interest.

Earlier, also the petitioner had approached this Court by filing a writ petition, vide C.W.J.C. No. 9600 of 2007, which stood disposed of on 10-11-2009 with direction to the respondent to conclude the proceeding under Section 7 A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

It is evident that ofcourse, order passed by this Court in the earlier writ petition was complied with but belatedly, not within time as prescribed by this Court. So far as claim of the petitioner for payment of provident fund amount is concerned, it has been replied by the respondent no. 1 in its counter affidavit that after receipt of the amount from the establishment, it transpired that Rs. 50,090/- was remitted by the establishment. Accordingly, it was assessed that the petitioner was entitled to get Rs. 30,650/- as provident fund, pension fund amount i.e. Rs. 16,294/-, EDLI contribution Rs. 977/- with administrative charge etc. It has also been indicated that total amount of Rs. 30,650/- against the head of 'Provident Fund' has already been paid to the petitioner, through cheque, which has not been disputed. Regarding pension, it has been indicated that the petitioner had not completed minimum 10 years pensionable service period and as such, he is not entitled to get pension. However, for the settlement of pension fund amount, it is required that formalities must be

completed by way of filling-up Form 10-C. It has been indicated that the petitioner has also been requested to complete the formalities.

In view of facts disclosed in the counter affidavit, it is evident that grievance raised by the petitioner has already been redressed. Finally, it has to be redressed after completion of formalities by the petitioner. Accordingly, there is no need to keep the matter pending.

The writ petition stands disposed of with an observation that if the petitioner completes the formalities including by way of filling up Form 10-C within a period of six weeks, the respondent no. 1 shall take all steps to clear all the dues of the petitioner within a period of one month thereafter.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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