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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 876 of 2015**

Kailashnath Yadav S/o Bindeshwari Yadav, Aged About 62 Years R/o House No. 2/ M, 2 B Type Quarters, South Avenue Road, Dallirajhara, Police Station & Tehsil Balod, District Balod, Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through The Secretary, Ministry Of Steel, Government Of India, Shastri Bhavan, New Delhi, 110001.
2. Bhilai Steel Plant, Steel Authority Of India Limited, through The Chief Executive Officer, Ispat Bhawan, Bhilai Steel Plant, Bhilai, P.S. Bhilai, District Durg, Chhattisgarh, 492001
3. The Commissioner, Employees Provident Fund Organization, Regional Office Raipur, Block D, Scheme No. 32, Indira Gandhi Commercial Complex, Pandri, Raipur, P. S. Raipur, District Raipur, Chhattisgarh 492001
4. Assistant Manager, Jharandalli Mines, Dallirajhara, Police Station & Tehsil Balod, District Balod, Chhattisgarh 491228
5. Junior Manager / Officer (Personnel) M & S, Iron Ore Group, Dallirajhara, Tehsil Balod, District Balod, Chhattisgarh 491228

---- Respondents

For Petitioner	:	Shri Amrito Das, Advocate.
For Respondent/Uol	:	Shri R.K.Gupta, Standing Counsel.
For Respondent/BSP	:	Shri Sandeep Dubey, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**29/10/2015**

1. Heard Learned Counsel for the Petitioner and the Respondents.
2. The Petitioner was an employee of the Respondent-Bhilai Steel Plant. He filed a civil suit for correction of his date of birth from 1949 to 1952 which was allowed. The Respondent-Bhiali Steel Plant contested it unsuccessfully before the first appellate Court and has filed a second appeal which is pending. It is an admitted position that there is no interim order of the second appellate Court on the issue.

3. The Respondent-Bhilai Steel Plant allowed the Petitioner to work in accordance with the claimed date of birth as determined by the Court and paid him salary for the same also. The controversy now revolves around payment of contributory pension fund dues for the period which the Respondents-Bhilai Steel Plant disputed, but for the decree of the Civil Court. Evidently, if it was a contributory pension fund scheme, it includes money deposited by the Petitioner from his salary.

4. We are of the considered opinion that irrespective of what may be decided in the second appeal, contribution made by the Petitioner from the salary paid to him for the works discharged during the disputed period is his money and the Respondents have no justification whatsoever to withhold the same. In so far as the contribution of the employer is concerned, that amount shall also be released to the Petitioner subject to his furnishing an undertaking on a bond to be abide by the final decision in the second appeal. Any payment for leave encashment will also be made to the Petitioner in similar terms with regard to the disputed period.

5. Any person or authority whose attention is invited to this order is bound to comply with the same except under paid of contempt proceedings.

6. The writ petition is disposed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE