

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2328 OF 2015

(Shriram Sahakari Sakhar Karkhana, June Kamgar Sangharsh Samiti thr. Shri Laxman Kashirao Umale vs. Central Board of Trustees, Provident Fund Organisation thr. Regional Provident Fund Commissioner & Anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
APRIL 23, 2015.**

Heard Shri Thakkar, learned counsel for the petitioner and Ms. Tanna, Advocate holding for Shri Sundaram, learned counsel for respondent No. 1.

We have not yet issued notice in the matter, hence there is no appearance for respondent No. 2 – employer.

The Union of employees is before this Court seeking a direction to Regional Provident Fund Commissioner to credit an amount of Rs.2,32,28,788/- recovered by it as provident fund dues from Respondent No. 2.

Ms. Tanna, learned counsel points out that Provident Fund is the amount belonging to employees/workers and as such Union has no role to play in the matter. If the workers approach the department with appropriate grievance or then as per procedure, through their employer, the entitlement of each individual to provident fund dues can be ascertained accordingly and thereafter amount can be paid to them

as per law.

Shri Thakkar, learned counsel submits that as the workers did not get the amount, they have authorized the petitioner to file present petition.

We are not inclined to go into any disputed question at this stage. We permit the members of the petitioner – Union and other workers, who are entitled to benefit of provident fund scheme, to apply to Respondent No. 1 as per law for seeking its benefit. If such an application is received by Respondent No. 1, Respondent No. 1 shall process it further in accordance with the Employees' Provident Fund Act and Scheme framed thereunder and take suitable decision upon it at the earliest. If Respondent No. 1 finds that Respondent No. 2 – employer is not co-operating in the matter, it is open to Respondent No. 1 to proceed against Respondent No. 2 as per law.

With these directions, we dispose of the present petition with no order as to costs.

JUDGE

JUDGE

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