

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20398 of 2013

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Rameshwar Yadav, Son of Late Moti Yadav, Resident of Village - Bhanwar, Police Station - Madhubani, District Madhubani Petitioner.

Versus

1. The State of Bihar
 2. The Provident Fund Commissioner, Employees Provident Fund Organization, Patna
 3. The Regional Provident Fund Commissioner, Employees Provident Fund Organization, Sub Regional Office, Muzaffarpur
 4. The General Manager, Bihar State Sugarcane Corporation Limited Lohat Unit, P.O. - Lohat, Via - Pandaul, District – Madhubani Respondents
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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
For the Respondent/s : Mr. Avnish Nandan Sinha, Advocate
For the EPFO : Mr. Prashant Sinha, Advocate
For the Sugarcane Corp.: Mr. Gyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 10-05-2016

Heard learned counsel for the petitioner and the respondents.

The petitioner retired on 12.02.2003 at the age of 58 years, as an employee of Bihar State Sugarcane Corporation, Lohat Unit in the district of Madhubani. He seeks payment of monthly family pension in connection with Family Pension Scheme, 1995.

A counter affidavit has been filed on behalf of the respondents stating that the petitioner is not eligible for benefit under the Employees' Pension Scheme, 1995, which itself was introduced in the year 1995 w.e.f. 16.11.1995. Para 12 of the Employees' Pension Scheme talks about monthly member's pension that a member is

entitled to as (a), superannuation pension, if he has rendered eligible service of 10 years or more or retires at the attaining age of 58 years, (b) early pension, if he has rendered eligible service of 10 years or more or retires or otherwise ceases to be in the employment before the attaining the age of 58 years.

The Employees' Pension Scheme itself was introduced in the year 1995 and the petitioner enrolled himself under the scheme on 01.01.1996. He retired on 12.02.2003 and as such he has not rendered eligible service of 10 years for the benefit of the Employees' Pension Scheme.

In this view of the matter, the claim of the petitioner is misconceived and is rejected. However, the respondents have rightly stated in the counter affidavit that the petitioner would be entitled to withdrawal of the amount transferred under the pension fund, if already not withdrawn by submitting claim in Form 10 (C). In case, the petitioner has not paid any amount from pension fund and he files a claim in appropriate format, the respondents would forthwith release the fund in his favour.

The writ application is accordingly disposed of.

(Samarendra Pratap Singh, J.)

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