

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.361 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 3374 of 2013**

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1. The Regional Provident Fund Commissioner, Employees Provident Fund Organization, Regional Office, Patna, Bihar
 2. The Regional Provident Fund Commissioner, Employees Provident Fund Organization, Regional Office, Karamtoli, Ranchi at Jharkhand

.... Respondents/ Appellants

Versus

1. Dhanesh Prasad, Son Of Late Ambika Prasad, Resident Of Flat No. 102, Vindhiya Ambika Apartment, Manas Marg, Road No.2, Sheopuri West, P.S.- S.K. Puri, District- Patna

.....Petitioner / Respondent

2. The Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna- 1
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna- 1
4. The Chief Of Finance, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna- 1
5. The District Manager, State Food and Civil Supplies Corporation Ltd., Dhanbad, District- Dhanbad

.... Respondents/Respondent/s

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Appearance :

For the Appellant/s : Mr. Prashant Sinha, Advocate
For Respondent No.1 : Mr. Bishnukant Dubey, Advocate
For Bihar State Food & Civil
Supplies Corpn. Ltd. : Mr. Shailendra Kumar Singh, Advocate
For Jharkhand State Food &
Civil Supplies Corpn Ltd.: Mr. Dhrub Mukherjee, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 22-07-2016

The present appeal is directed against an order passed by the learned Single Bench on 25th October, 2013 disposing of CWJC No. 3374 of 2013, whereby pension was sought to be based on 6th Pay Commission's report.

Learned counsel for the appellants contends that earlier, the employees of the Bihar/Jharkhand State Food & Civil Supplies Corporation Limited were exempt from operation of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and the Scheme framed there under. But later on the Board of Directors of such Corporation decided to enhance the contribution payable to the Regional Provident Fund Commissioner.

Learned counsel for the appellants contends that scheme of pension applicable to the employees governed by the EPF & MP Act, 1952 is distinct from the pension scheme applicable to the Central Government employees. It is contended that the appellants shall consider the claim of the employees of Bihar/Jharkhand State Food & Civil Supplies Corporation Ltd. in accordance with the provisions of the Act and the pension scheme framed there under.

Learned counsels for the respondents have no objection to such course of action.

Consequently, the present appeal is disposed of with a direction to the appellants to examine the claim of pension to the

employees of Bihar/Jharkhand State Food & Civil Supplies Corporation Limited in accordance with the provisions of the Act and the scheme framed there under.

This appeal is disposed of accordingly.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

mrl.

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.