

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11297 of 2017

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Bipin Kumar Jha, S/o Shri Nitiya Nand Jha, State Resource Centre-Deepayatan,
302, Maurya Tower, Maurya Lok Complex, Budha Marg, Patna- 800001.

.... Petitioner/s

Versus

1. The Joint Commissioner Provident Fund (Account) Employees Provident Fund Labour Dept. Govt. of India, Regional Office, Bihar, R. Block, Road No.6, Patna- 800001.
2. The Assistant Provident Fund Commissioner (Compliance) Regional Office, Bihar, R Block, Road No.6, Patna- 800001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushlendra Kumar Sinha, Adv.
Mr. Anjani Kumar Mishra, Adv.

For the Respondent/s : Mr. Ranjit Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-11-2017

The petitioner is working as an Accountant in the State Resource Centre - Deepayatan, which is a Non-Governmental Organization. He filed an application for withdrawal of Rs.5,00,000/- as an advance from the Employees Provident Fund Account for the purpose of marriage of his daughter. His grievance is that though a total sum of Rs.4,50, 277/- was available in the account of the petitioner as contribution under the Employees Provident Fund Scheme, only a sum of Rs.2,25,100/- i.e. 50% of the total available fund has been credited to his account.

2. The contention of the petitioner is that under para 68-NN



of the Employees Provident Fund Scheme, 1952, a member is entitled to withdraw upto 90% of the amount standing on his credit at any time after his attainment of the age of 54 years or within one year before his actual retirement or superannuation, whichever is later.

3. A counter affidavit has been filed on behalf of the respondent nos. 2 and 3. In sum and substance, the stand of the respondent nos. 2 and 3 is that since the petitioner being a member of the Employees Provident Fund Scheme had applied for advance from the provident fund for marriage of his daughter, the provision prescribed in para 68-K was applicable under which a member may get an advance from his provident fund account not exceeding fifty per cent of his share of contribution with interest thereon.

4. Learned counsel for the respondent nos.2 and 3 submitted that as the application of the petitioner was for advance on the ground of marriage of his daughter, the petitioner was paid 50% of his contribution along with interest and, thus, no illegality can be found with the disbursement of 50% of the share of his contribution.

5. I have heard learned counsel for the parties and perused the record.

6. It would be manifest from the record that the petitioner had applied for an advance for the purpose of marriage of his daughter. It is also not in dispute that the petitioner had a balance of



Rs.4,50,277/- towards his own contribution and has been paid a sum of Rs.2,25,100/- i.e. 50% of his own contribution.

7. In view of the fact that application was for advance for marriage of daughter, the respondents rightly processed the application in terms of para 68-K and not under para 68-NN of the Employees Provident Fund Scheme, 1952, as framed under Section 5 of the Employees’ Provident Funds Act, 1952.

8. In that view of the matter, I see no merit in this application. It is accordingly dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07-11-2017
Transmission Date	

