

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1607 of 2016

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Madhusudan Singh son of Late Anutha Singh r/o Bhataha, P.S. Sugauli, District East Champaran.

.... Petitioner/s

Versus

1. The Chairman Cum Managing Director, Food Corporation of India, 16-20 Barakhambha Lane, New Delhi - 110001.
2. Executive Director, East Food Corporation of India, Zonal Office, 10 A Middleton Road, Kolkata - 700071.
3. Senior Regional Manager, Food Corporation of India, Patna - 1.
4. Area Manager, Food Corporation of India, Motihari.
5. General Manager (C.P.F.) Food Corporation of India.
6. Assistant General Manager (C.P.F.) Food Corporation of India.
7. Manager (CPF), Food Corporation of India, 10 A Middleton Road, Kolkata - 700071.
8. District Manager, Food Corporation of India, Chhota Bariarpur, Hawaii Adda Chauk, Motihari - 845401.
9. District Manager, Food Corporation of India, Food Storage Depot, Brahmpura, Muzaffarpur.
10. Central Provident Fund Commissioner, Employees Provident Fund Organisation, Bhavisya Nidhi Bhawan, 14 Bhikaji Cama Place, New Delhi - 110066.
11. Assistant Commissioner Provident Fund (Accounts), Employees Provident Fund Organisation, Bhavisya Nidhi Bhawan, 14 Bhikaji Cama Place, New Delhi - 110066.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Harsh Singh, Advocate
For the FCI	:	Mr. Prabhakar Tekriwal, Advocate
For the EPFO	:	Mr. Prashant Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 20-11-2017

Heard learned counsel for the petitioner; Food Corporation of India (hereinafter referred to as the 'F.C.I.') and the Employees Provident Fund Organization (hereinafter referred to as the 'E.P.F.O.').



2. The petitioner has moved the Court for the following reliefs:

“(a) For issuance of an appropriate writ(s) /order(s) /direction (s) particularly a writ in the nature of mandamus directing the Respondent authorities to pay the pension with penal interest to the petitioner who despite having superannuated on 31.01.2010, has not been paid any pension till date on account of non-deposit of the contribution under Pension Scheme with Employees’ Provident Fund Organization by the Respondent authorities of Food Corporation of India.

(b) For issuance of an appropriate writ(s)/order(s)/ direction(s) particularly a writ in the nature of mandamus commanding the respondent authorities of Food Corporation of India to deposit the contribution towards Pension Scheme with interest for the period the petitioner remained in suspension up to petitioner’s dismissal, which has not been deposited till date despite the same having been deducted from the arrears that were paid upon petitioner’s reinstatement in service with all back wages and entitlements treating the petitioner to have been on duty during the said period.

(c) For issuance of any other appropriate writ(s)/order(s)/direction (s) upon the authorities concerned in the facts and circumstances of the case for doing conscionable justice to the petitioner.”



3. As of now, it is the admitted position that the petitioner has not been able to get the full amount of pension for the reason that certain contributions from some time in the year 1974 till some time in the year 1978, on account of non-deposit of the petitioner's as well the employer's contribution.

4. Initially, during the proceedings, the stand was taken by learned counsel for the F.C.I. that total amount which was payable into the account of the petitioner, including damages and interest, comes to Rs. 71,840/-, out of which Rs. 46,956/-, was to be paid by the petitioner and the remaining was to be borne by the F.C.I. The stand was taken in view of the admitted position that F.C.I., instead of depositing the amount in the Provident Fund account of the petitioner, had deposited it in the Contributory Provident Fund of the petitioner and further that the benefit of such deposit had also been paid to the petitioner which he had taken. However, today the stand is that by way of grace, the F.C.I. is ready to deposit the entire amount, including the principal as well as damages and interest thereon, for the aforesaid period 1974-78 to the E.P.F.O. or any other period which would be reflected from the records of the F.C.I. for which contribution may not have been forwarded to the EPFO.

5. Learned counsel for the E.P.F.O. submitted that the same being done, the entire and full amount of pension payable to



the petitioner shall be started forthwith and arrears, so required to be paid, shall also be paid.

6. In view of the stand taken by learned counsel for the respondents, as indicated hereinabove, the writ petition stands disposed off with a direction to the F.C.I. to ensure that the total amount of the remaining contribution, including damages and interest thereon, for the period 1974-78 or any other period which may be reflected from the records of the F.C.I. for which contribution may not have been forwarded to the E.P.F.O., be calculated and forwarded to the respondent no. 11 within four weeks from the date of production of a copy of this order before respondent no. 1. Upon the same being done, the respondent no. 11 shall ensure that the correct amount of pension, to which the petitioner is entitled, considering the entire length of his past service, including difference of arrears accrued thereon, be paid to him within four weeks thereafter.

(Ahsanuddin Amanullah, J)

Anjani/-

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