

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.38 of 2013

IN

Civil Writ Jurisdiction Case No. 1803 of 1992

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Surya Bhushan Prasad S/O Late Jagdamb Sahay, President Of Bihar Rajya Path Pariwahan Audit & Accounts Karmchari Sangh, House Of Sri Prameshwar Dayal House No. A- 10, Sadhanapuri, South Of Road No. 6d, Gardanibagh, P.S- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Principal Secretary, Transport Department, Vishesharaiya Bhawan, Government Of Bihar, Patna.
2. The Bihar State Road Transport Corporation, Through The Administrator, Bihar State Road Transport Corporation, Pariwahan Bhawan, Birchand Patel Road, Patna.
3. The Administrator, Bihar State Road Transport Corporation, Pariwahan Bhawan, Birchand Patel Road, Patna.
4. The Chief Financial Advisor Cum Chief Accounts Officer, Bihar State Road Transport Corporation, Pariwahan Bhawan, Birchand Patel Road, Patna.
5. The Central Provident Fund Commissioner, 14 Vikaji Cama Place, New Delhi.
6. The Chairman, Board of Trustee, Central Provident Fund, 14 Vikaji Cama Place, New Delhi – 11006
7. The Additional Provident Fund Commissioner (East Zone) Employee Provident Fund Organization, D K Block, Sector II Salt Lake City, Kolkata -700091
8. The Regional Provident Fund Commissioner, Employees Provident Fund Organization, Regional Office, R-Block, Patna
9. The Assistant Provident Fund Commissioner, Employees Provident Fund Organization, Regional Office, R Block, Road No. 6, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh Mr. Alok Kumar Sinha
For BSRTC	:	Mr. PK Verma, Sr. Advocate Mr. Saroj Kumar Sharma
For EPFO	:	Mr. Prashant Sinha

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 31-08-2017

This application for review has been filed on



24.01.2013, i.e. after a period of more than 21 years of disposal and decision rendered by a Division Bench of this Court on 27.03.1992 in CWJC No. 1803 of 1992.

Apart from the fact that there is an unexplained inordinate delay of more than 21 years in approaching this Court, the primary ground canvassed before us is that benefit of pension is being denied to the petitioner and the claim is made on account of denial of pension to them under the Employees Pension Scheme, 1995, which came into force with effect from 16.11.1995, after the earlier Employees Family Pension Scheme, 1991 was replaced.

We find that merely based on a Scheme that came into force in the year 1995, we cannot go into various aspects of the matter and a review order passed 21 years back in the year 1992 holding that the Establishment is not covered under the E.P.F. Act 1952. Even though learned counsel for the petitioner tried to vehemently argue that the right of the petitioner to claim pension is taken away. The findings recorded by the learned Writ Court are based on due appreciation of the facts and the provisions of Section 16(1)(C) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. We find no error apparent on the face of record warranting any review. In case after coming into



the force of the Scheme in the year 1995 if the petitioners feel aggrieved they may take recourse to such remedy as may be available to them. But on such ground we see no reason to review an order passed by the learned Division Bench after 21 years.

The review application is therefore dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl

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

