

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4439 of 2018

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Kaniya Abhiyanta Association, having its registered office at Road No.6, Deep Nagar, Post Office- Jhauganj, Police Station- Mehandiganj, District- Patna- 80008 (Bihar) through its president, namely Pramod Brahmachari, Son of Sri Jit Narayan Brahmachari, Resident of Village- Beldari, Post Office- Bharphori, Police Station- Andhakamath, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar, its Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Bihar Rural Development Societies through its Secretary, Bihar, Patna.
3. The Employees Provident Fund Organization through its Regional Commissioner, Regional Office, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Sr. Advocate Mr. Karandeep Kumar, Advocate Mr. Manoj Kumar, Advocate
For the State	:	Mr. Anjani Kumar, AAG-4 Mr. Shailendra Kumar Singh, Advocate
For E.P.F.O.	:	Mr. Ram Shankar Pradhan, Sr. Advocate Mr. Jainendra Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-04-2018

In the matter of operating the scheme, mandatory in nature, under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 with regard to such Junior Engineers who are working under the MGNREGA Scheme by the department in question and pointing out various complaints in granting the benefit of Provident Fund and other statutory scheme under the Act of 1952 this petition has been filed in public interest by an



association of employees.

The Employees' Provident Fund and Miscellaneous Provisions Act, 1952 is a complete Code in itself. It contemplates various provisions for redressal of all grievances by approaching the statutory authority under various provisions, like Section 7A onwards with provision of appeal and further appeals to the National Tribunal at New Delhi.

That being so, it is not appropriate to exercise jurisdiction in such matters in a petition under Article 226 of the Constitution and make indulgence when the statutory authorities under the Act of 1952 can very well look into the matter. Grievance of the petitioner seems to be that they have already approached the statutory authorities but the schemes are not made operational on account of various factors like non-opening of account and issues connected thereto.

Be it as it may be, once in a statutory scheme a statutory authority is empowered under law to look into the matter, we are not required to interfere into the matter, instead, we direct the petitioner to file a certified copy of this order along with detailed claim before the Regional Provident Fund Commissioner Respondent No. 3 and Respondent 3 is directed to take note of the statutory provision and proceed to take a



decision with regard to the grievance of the petitioner in accordance with law, preferably within a period of six months. That apart, with regard to granting benefit under the Health Scheme also, the benefit is not being granted. The authorities may look into the matter.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.04.2018
Transmission Date	

