

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16033 of 2016

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1. Mr. Arun Kumar Thakur S/o Late Roop Narayan Thakur, 501, Vidyalkar Bhawan, Kavi Raman Path, Nageshwar Colony, Boring Road, Patna- 800001, D.O.R-31/01/2012 as Chief of Operation, Head Office, Patna, EPF NO- T/8937.
 2. Mr. Kishori Mohan S/o Late Shiv Prasad Arya, Rtd. Accountant, Freedom Fighter, Resident of Village Rahmatganj, P.S. Masaurahi, District Patna D.O.R-30/09/2002 As Accountant, Patna Division, EPF NO- BR/371/3675.
 3. Mr. Kamta Prasad Vishkarma S/o Late Saryug Mistri, Aritizen 'C' retired from Patna Division, Patna Resident of Daudpur P.S. Shahpur, District Patna D.O.R-31/04/1998 As Artizen C, Patna Div., EPF NO- W/1449.
 4. Mr. Uday Raj Prasad S/o Late Sant Lal Prasad, Resident of Nawadah, Post Mubarakpur, Phulwarisharif, Patna D.O.R-31/02/2010, Conductor, Patna Division, EPF NO- BR/371/7675.
 5. Mr. Yogendra Ram S/o Late Mahavir Prasad, Resident of Patna City, Post Patna City, Patna Bihar. D.O.R-31/10/2008 as Picker, Patna Div. EPF NO- Not Available.
 6. Mr. Ravindra Prasad Singh S/o Shiv Prasad Singh, Resident of Nawadah, Post-Mubarakpur, Phulwarisharif, Patna, Bihar D.O.R-31/05/2009 as Conductor, Patna Div, EPF No- Not Available.
 7. Mr. Ramashish Prasad Rtd. S/o Late Ram Nandan Ram, Resident of New Dalluchak, Charchhrawa More, Post Khagaul, District- Patna, Bihar, D.O.R-31/01/2008 as Traffic Clerk, Patna Div. EPF No- Not Available.
 8. Mr. Bhola Prasad S/o Late Narayan Ram, Resident of New Pahardpur, Police Colony, D- 14, Post Anisabad, Patna, Bihar D.O.R-30/09/2009, as Secretary to Administrator, Head Office, Patna. EPF No- Not Available.
 9. Mrs. Kalawati Devi W/o Late Anandi Singh, Resident of Govindpur, Post-Phulwarisharif, District- Patna, Bihar, Date of Death (Husband)-31/12/2004 as Helper, Patna Div. EPF No- Not Available.
 10. Moh. Safique Ahmad S/o Late Amir Ahmad, Mechanic 'B' Resident of Dargah Road, Pathar ki Masjid, Post Mahendru, District Patna, Bihar D.O.R-31/01/2005 As Mechanic, Patna Div. EPF No- Not Available.
 11. Mr. Rajendra Prasad-II S/o Late Harkhu Thakur, Bankipur Division, Resident of Gonpura, Phulwarisharif Patna. D.O.R-30/04/2003 as Conductor, Patna Div. EPF No- T/8077.
 12. Mr. Bangali Sah S/o Late Ram Prasad Sah, Resident of Koriwan, Post Sorempurt, P.S.- Janipur, District- Patna. D.O.R- 31/01/2008 as Helper Patna Div. EPF No- Not Available.
 13. Mr. Sachidanand Singh S/o Late Durga Prasad Singh, Store cum Clerk, Resident of Gram Nawada, Post- Mubarakpur, Phulwarisarif, Patna D.O.R-31/07/2008 Storekeeper cum Clerk, Bankipur Depot, Patna, Bihar.
 14. Mr. Panna Thakur S/o Late Jagan Thakur, Bir Kunwar Singh Colony, Sharma Usman Chak, Patna, Bihar D.O.R-30/09/2012, Traffic Clerk, Patna Div. EPF No- Not Available.
 15. Mr. Ram Jatan Singh S/o Late Munni Mahto, Resident of Isanpur, Chaitola, Post- Bankipur, Patna, Bihar, D.O.R-16/11/2011 As Conductor, Patna Div. EPF No- Not Available.
 16. Mr. Yugal Kishore Jha S/o Late Basudeo Jha, Resident of Shivpuri, Post-Godda, Thana- Godda, Dist- Godda, Jharkhand. D.O.R-31/01/2000 Assistant Traffic Inspector, Patna Div. EPF No- BR/371/AD/1321.
 17. Mr. Uttam Kumar Singh S/o Late Kamleshwar Prasad Singh, Resident of



- Village Bhauwa Deorhi, Post- Bhauwa Deorhi, District- Purnia. D.O.R-30/06/2004 as Assistant, Inspector, Patna Div. EPF No- Not Available.
18. Mr. Ishwar Chand Prasad S/o Late Muni Lal Prasad, Resident of Village- Hajpurwa, Post- Sonbarsa, Via- Pachrukhi Thana- G.B. Nagar, Dist.- Siwan, Bihar. D.O.B-31/07/1999 as Assistant Traffic Inspector, Patna Div. EPF No- BR/371/354.
 19. Moh. Zainuddin Ahmad S/o Late Sahadat Hussain, Azadnagar, Paliganj, Post- Paliganj, Dist- Patna, Bihar, D.O.R-30/11/2009 As Depot, EPF No- Not Available.
 20. Mr. Ramakant Sharma S/o Late Babu Chand Sharma, Resident of Panchwati Nagar, Post- Rajendra Nagar, Patna, Bihar, D.O.R-30/11/2007, Conductor Patna Div. EPF No- Not Available.
 21. Mrs. Sona Devi W/o Dinesh Kumar, Conductor, Bankipur Depot, Resident of Gram- Kewai, Post- Jaithpur P.S.- Chandi, District- Nalanda, Date of Death of Husband 08/10/2003 as Conductor, Bankipur Depot, EPF No- Not Available.
 22. Mr. Rajeshwar Prasad S/o Saryug Prasad, Resident of Karanpura, Post- Sadisopur, Dist.- Patna, Bihar. D.O.R-31/08/2015 As Timekeeper, Patna Div. EPF No- Not Available.
 23. Mr. Surendra Prasad Singh S/o Late Suraj Narayan Singh, Bakarganj, Nalapar, Patna, Bihar, D.O.R-31/08/2015 as Timekeeper, Patna Div. EPF No- Not Available.
 24. Kamata Prasad S/o Late Shaguni Sao Resident of Sabajpura More, Khagaul- Phulwari Road, Post- Khagaul, District- Patna, Bihar, D.O.R-31/01/2004 as Accountant, Head Office, EPF No- Not Available.
 25. Abhimanyu Kumar Chaudhary S/o Late Jamuna Prasad Chaudhary, New Sipahi Tola, Maranga Road, P.O. Purnia, P.S.- Tehat, Dist- Purnia, Bihar, D.O.R-30/06/2010, Conductor, Purnia Depot, EPF No- Not Available.
 26. Radha Mohan Sharma S/o Gopi Chand Singh, Resident of Village- Dahibhatra, P.O.- Usmanchak, Via- Masaurahi, Patna, Bihar, D.O.R-31/07/2002. EPF No- Not Available. Conductor, Patna Division.
 27. Shambhu Nath Mishra, S/o Lakshmi Nath Mishra, Resident of Basauna, Post- Basauna, Via- Saharsa Kachari, District- Saharsa, Bihar, D.O.R- 31/07/2009, EPF No- 4847, Conductor, Patna Division.
 28. Ram Pravesh Yadav, S/o Late Hathi Yadav, Resident of Nasariganj, Ydubanshnagar, Biscuit Fatory More, Near S.S. Foam Factory More, Danapur, Post- Digha, Dist.- Patna, D.O.R-1997, Conductor, Patna Division, EPF No- T-2271.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Labour and Employment Ministry, Govt. of India, New Delhi.
2. The Secretary, Labour and Employment Ministry, Government of India, New Delhi.
3. The Central Provident Fund Commissioner, New Delhi.
4. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
5. The Principal Secretary, Transport Department, Patna, Bihar.
6. The Bihar State Road Transport Corporation through the Administrator, Birchand Patel Marg, Patna, Bihar.
7. The Administrator, BSRTC, Birchand Patel Marg, Patna, Bihar.
8. The Chief Accounts Officer, BSRTC, Birchand Patel Marg, Patna, Bihar.
9. The Regional Provident Fund Commissioner, EPFO, R Block, Patna, Bihar.



.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Jha, Advocate
For the B.S.R.T.C. : Mr. P. K. Verma, Sr. Advocate
Mr. Suman Kumar Jha, Advocate
For the State : Mr. Chitranjan Sinha, P.A.A.G. 2
Mr. Shailendra Kumar, A.C. to P.A.A.G. 2
For the E.P.F.O. : Mr. Prashant Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 08-01-2018

Heard learned counsel for the petitioners; State;
respondents no. 3 and 9 and respondents no. 6 to 8.

2. The grievance of the petitioners is that amounts which have been deducted from their salary and deposited with the respondent no. 9 till 1988 as well as the amount deducted subsequently by the respondents no. 6 to 8 have not been paid to them. It was submitted that the same also carries statutory interest and the money deducted and deposited, either with the respondent no. 9 or respondents no. 6 to 8, being of the petitioners, they are entitled to receive the same.

3. Learned counsel for the respondents no. 6 to 8 as well as respondent no. 9 submitted that for seeking any payment/withdrawal the person concerned has to apply in a statutory proforma before the authority for being processed and the petitioners not having done so, the matter has still not even been initiated.

4. Faced with the situation, learned counsel for the



petitioners submitted that the writ petition be disposed off with liberty to them to apply before the concerned authorities seeking final withdrawal of their Provident Fund amount which had been deducted and kept back by the concerned respondents along with the statutory interest.

5. Learned counsel for the respondents do not oppose.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioners to apply in the manner required under the relevant statutes/rules with regard to final withdrawal of the Provident Fund amount before the authority concerned, that is, either the respondents no. 6 to 8 or 9, in accordance with law in the required proforma. Upon the same being done, the authorities would look into the matter and verify it from the records. Whatever amount is found payable to the petitioners, shall be paid to them along with statutory interest, in accordance with law, within three months from the date of filing/completing the required formalities by the petitioners.

(Ahsanuddin Amanullah, J.)

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