IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14617 of 2014

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1. Rama Sankar @ Rama Shankar Gond S/o Late Kauleshwar Gond Permanent Address R/o Village Nahar Chappra, P.O. Nahar Chappra, District Kushinagar U.P.
2. Lakshan Chamar S/o Late Goverdhan Chamar Permanent Address R/o Village Basdila Mahanath, P.O. Farenada, District Kushinagar U.P.
3. Most Jalabi Devi W/o Late Santoshi Gond

Permanent Address R/o Village Basdila Mahanath, P.O. Farenada, District Kushinagar U.P

At present all R/o Triputi Sugar Premise, P.S. Naraipur Bagaha 2, District W. Champaran.

.... Petitioner/s

Versus

1. The Asst. P.P. Commissioner Employee Provident Fund Sub Regional Office Naya Vakalat Khana Bhawan Court Compound, Muzaffarpur.
2. Regional Provident Fund Commissioner Bhavishya Nidhi Bhawan R. Block, Patna.
3. Triputi Sugar Factory, Bagaha, District W. Champaran.
4. The Managing Director, Tirupati Sugar Factory, Bagaha, District- West Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Respondent/s : Mr. Prashant Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 13-08-2018

By way of the instant writ petition, the petitioners have prayed for issuance of a direction to the respondents for payment of all retiral dues including gratuity, provident fund, group insurance, pension, arrears of pension and salary.

2. The case of the petitioners is that petitioner nos. 1 and 2 and the husband of the petitioner no. 3 were working in Tirupati Sugar Factory, Bagaha. The husband of the petitioner no. 3 had died during his service period and the petitioner nos. 1 & 2 have retired from the company.

3. A counter affidavit has been filed on behalf of the respondent no. 3. A counter-affidavit has also been filed on behalf of respondent no. 2. In its counter-affidavit respondent no. 3 has contended that it is not a State under Article 12 of the Constitution of India. It is contended by the learned counsel for respondent no. 3 that Tirupati Sugar Limited is a private limited company, which is engaged in the business of, apart from others, sugar also and it has a factory at Bagaha within the district of West Champaran. The contention of learned counsel for respondent nos. 1 and 2 is that so far as respondent nos. 1 and 2 are concerned, they are only concerned with provident fund and pension. In order to make claim for such payment the petitioners are required to file their claim in statutory forums.

4. Keeping in mind the fact that the claim is against a factory, which is not a State under Article 12 of the Constitution of India, this Court is not inclined to entertain the writ petition in its

extraordinary jurisdiction.

5. Accordingly, it is dismissed with liberty to the petitioners to raise their claim regarding payment of retiral dues, gratuity, provident fund, group insurance, pension, etc. before the appropriate authority in accordance with law.

(Ashwani Kumar Singh, J.)

Kanchan/Sneha

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.08.2018
Transmission Date	NA