

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No.4360 of 2016**

**In**

**Civil Writ Jurisdiction Case No. 11725 of 2015**

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1. The Central Board of Trustees, Employees Provident Fund Organization through the Assistnat Provident Fund Organization through the Assistant Provident Fund Commissioner (Legal), Regional Office, R.Block, Road No.6, P.S.- Sachivalya, District- Patna.
  2. The Central Provident Fund Commissioner, New Delhi.
  3. The Assistant Provident Fund Commissioner, Patna, Employees Provident Fund Organization, Regional Office, Bhavishya Nidhi Bhawan, R.Block, Road No.6, Patna.

.... .... Petitioner/s

Versus

1. Brajesh Kumar Pandey, Son of Late Rajendra Pandey, R/o Village- Maharajahata, P.S.- Ara Town, District- Bhojpur, Bihar.
2. Madan Mohan Choudhary, Son of Late Ram Niwash Choudhary, R/o Village- Bazar Samiti, P.S.- Ara Nawada, District- Bhojpur.
3. Nawal Kishore, Son of Late Satish Chandra Sinha, R/o Karam Tola, P.S.- Ara Nawada, District- Bhojpur.
4. Anuj Kumar Sharma, Son of Bindeshwar Sharma, R/o Murgiachak, P.S.- Goshi, District- Jehanabad.
5. Ramanand Sharma, Son of Late Ragho Singh, R/o Babhanpura, P.S.- Nanipur, District- Patna.
6. Balmiki Singh, Son of Late Kailash Singh, R/o Village- Sakara, P.S.- Hashnawa, District- Nawadah.
7. Ramashish Prasad, Son of Late Ram Kishun Prasad, R/o Bhawar Pokar Bagicha, P.S.- Pirbahore, District- Patna.
8. Kishore Kumar Thakur, Son of Late Chhatun Thakur, R/o Ramnagri, Sector-4, P.S.- Rajiv Nagar, District- Patna.
9. Jai Nandan Sharma, Son of Late Arjun Singh, R/o Rashtriyaganj, P.S.- Phulwarisharif, District- Patna.
10. Ajay Kumar Singh, Son of Sri Baleshwar Singh, R/o Rawaich, P.s.- Bakhtiyarpur, District- Patna.
11. Tapeswar Sharma, Son of Late Kamla Singh, R/o Gajnachak Mohamadpur, P.S.- Janipur, District- Patna.
12. Awadesh Kumar, Son of Sri Devki Singh, R/o New Bengali Tola, Mithapur, P.S.- Jakkanpur, District- Patna.
13. Rajeshwar Sah, Son of Late Ganga Sah, R/o Marahawra North, P.S.- Mrahawra, District- Saran.
14. Sri Narayan Sharma, Son of Late Jagdish Sharma, Village- Kundila, P.S.- Ratni Bazar, District- Jehanabad.
15. Ajay Kumar Sah, Son of Rajeshwar Sah, Marhawra North, P.S.- Marahwra, District- Saran.
16. The State of Bihar through the Principal Secretary, Health, Govt. of Bihar, Patna.
17. The Chairman, Bihar College of Pharmacy, New Bailey Road, Patna.
18. The Principal, Bihar College of Pharmacy, New Bailey Road, Patna.
19. The Union of India, Ministry of Labour and Eemployment, Govt. of India, New Delhi.



.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Verma, Sr. Advocate.  
Mr. Prashant Sinha  
For the Employees : Mr. Prabhat Kumar Singh  
For the Pharmacy College: Mr. Arun Kumar

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

13 09-05-2018 Heard Mr. Rajiv Verma, learned counsel appearing on behalf of the Employees Provident Fund and learned counsel appearing on behalf of Brajesh Kumar Pandey as well as Mr. Arun Kumar, learned counsel appearing on behalf of the Bihar College of Pharmacy.

This court vide order dated 13.05.2016 directed the Provident Fund Establishment to make payment of provident fund amount as well as amount of pension after due verification of the person who will be entitled for the same. In pursuance thereof the Provident Fund Establishment had sent notices to the Bihar College of Pharmacy who gave response but the College did not submit the return nor deposited the rest statutory amount as the College deposited 50% of amount only.

Learned counsel for the petitioner submits that for making payment Inspector of Provident Fund Office had gone for attestation to the claim form but the management refused



to attest the same, on that account Brajesh Kumar Pandey and other having not been paid any amount under the Provident Fund Act. 7-A order has been passed which was challenged unsuccessfully, as has been claimed that writ petition is pending, but College has failed to obtain interim order in his favour though this court has adjourned this case and granted time, if so like, they obtain interim order but they have failed.

In such circumstances, now the College and College Authority cannot refuse to attest the form furnished by the Provident Fund Establishment. If so like, they would produce all records to the authorities concerned for identification and verification and not for any other purposes. As already in quasi judicial body has made assessment and its legality has been approved.

Learned counsel for the College says that for the purposes of verification and attestation he will send the competent person with proper authority who will go along with the records. In failure to comply its own undertaking to make attestation on the admitted names, this Court would give direction to the Commissioner to file proper case against them. On the date fixed employees are directed to remain present at time of verification and attestation of their names.



Any payment to an employee will be subject to the result of the writ petition. All the parties are directed to remain present before the Assistant Provident Commissioner on 25.06.2018 and onward till verification.

Accordingly this application is disposed of.

**(Shivaji Pandey, J)**

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