

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8220 of 2019

1. Triveni Singh son of Late Rajroop Singh resident of village Shankar Bigha, P.S. Wazirganj, District Gaya date of Retirement 31.01.2010 as Statistical Clerk from Gaya Division EPF No. AD/1839.
2. Asharfi Ram son of Late Kauleshwar Ram resident of village Renua, P.S. Hussainaganj, District Gaya date of Retirement 31.01.2003 as Divisional Traffic Manager EPF No. AD 1690.
3. Abhinandan Sharma Arun son of Late Jiya Lal Sharma resident of village Rulhara, P.S. Kalyanpur, District- Samastipur, date of retirement 31.12.2001 as Store Keeper From Dhanbad Division EPF No. W 2435.
4. Gajendra Kr. Singh son of Late Tej Pratap Singh resident of village Makhdumpur, P.S. Makhdumpur, District Jehanabad, date of retirement 30.04.2002 as Poddar from Dhanbad Division EPF No. AC 303.
5. Anirudh Kumar Singh son of Late Bishwanath Prasad Singh resident of village Kinjar, P.S. Kinjar, District Arwal, date of retirement 31.03.2001 as Conductor from Dhanbad Division EPF No. T 7041.
6. Dhup Narain Singh son of Late Rama Lagan Singh resident of village Sachai, P.S. Kurma, District Arwal, date of retirement 30.06.2004 as Traffic Clerk from Dhanbad Division EPF No. T 8151.
7. Rameshwar Pd. Singh son of Late Ragho Prasad Singh resident of village Daruana, P.S. Noorsarai, District Nalanda date of retirement 31.12.2001 as Artijan B from Dumka Division EPF No. W2292.
8. Md. Nasim son of Late Md. Yasin resident of Sam Mohalla P.S. Arwal, District Arwal date of retirement 31.01.2001 as driver from Dhanbad Division EPF No. not available.
9. Sukh Nandan Singh son of Late Deo Kumar Singh resident of village Rasulpur, P.S. Chiran, District Chapra, date of retirement 31.01.2003 as SWC from Dhanbad Division EPF not available.
10. Baleshwar Singh son of Late Jang Bahadur Singh resident of Jiwan Bigha, P.S. Paras Bigha, District- Jehanabad, date of retirement 30.09.2001 as Helper from Dhanbad Division EPF No. not available.
11. Dinesh Kumar Maldahiyar son of Late Anandi Prasad resident of 69 Seva Nagar, Karimganj, Gaya, P.S. Civil Lines, District Gaya date of retirement 31.01.2014 as Steno from Head Quarter BSRTC Patna EPF No. not available.
12. Rajendra Prasad son of Mohan Prasad resident of Mohalla Barki Delha, P.S. Delha, District Gaya, date of retirement 31.10.2013, as Driver from Gaya Division, EPF No. not available.
13. Gopal Prasad son of Late Tuni Mistri resident of Gewal Bigha, P.S. Civil Lines, District Gaya, date of retirement 31.01.2013, as Mechanic C from Gaya Division, EPF No. not available.
14. Radhika Devi wife of Late Ram Rekha Singh resident of Mohalla Dubhal, P.S. Magadh Medical, District Gaya, date of retirement in year 2002 of her husband from the post of Conductor from Dhanbad Division, EPF No. not



available.

15. Lila Devi wife of Late Krishna Prasad resident of Mohalla New Godown, P.S. Kotwali, District Gaya, date of retirement of her husband April 2004 as Driver from Gaya Division, EPF No. not available.
16. Ram Briksha Singh son of Late Ram Raksha Singh resident of Pandey Gangaut, P.S. Phuldih Rupan, District Nawada, date of retirement 28.02.2005, as Conductor from Gaya Division, EPF No. not available.
17. Rameshwar Prasad Singh son of Late Deoki Singh resident of Village Manghway, P.S. Hisua, District Nawada, date of retirement 31.05.2007, as Conductor from Gaya Division, EPF No. not available.
18. Md. Naimuddin son of Late Bitu Miyan resident of Village Belharia, P.S. Tekari, District Gaya, date of retirement 31.08.2011, as Conductor from Gaya Division, EPF No. not available.
19. Ram Prasad Manghi son of Late Manghi resident of Village Gawal Bigha, Painpar, P.S. Rampur, District Gaya, date of retirement 30.09.2002, as Mechanic C from Gaya Division, EPF No. not available.
20. Sakaldip Singh son of Late Rajrup Singh resident of Village Shankar Bigha, P.S. Wazirganj, District Gaya, date of retirement 31.07.2003, as Conductor from Jamshedpur Division, EPF No. not available.
21. Ram Bali Prasad Singh son of Late Ram Balak Singh resident of Village Shankar Bigha, P.S. Wazirganj, District Gaya, date of retirement 31.08.2001, as Conductor from Jamshedpur Division, EPF No. not available.
22. Ram Kumar Singh son of Late Baij Nath Singh resident of Village Shankar Bigha, P.S. Wazirganj, District Gaya, date of retirement 31.01.1997, as Time Keeper from Bankipur Division, EPF No. not available.
23. Surendra Prasad Singh son of Late Mukho Singh resident of Village Sahiya, P.S. Wazirgaj, District Gaya, date of retirement 31.08.2003, as Conductor from Gaya Division, EPF No. not available.
24. Md. Abdul Magid son of Late Md. Hanif resident of Mohalla Kamalpur, P.S. Bundel Khand, District Nawada, date of retirement 28.02.2013, as Conductor from Gaya Division, EPF No. not available.
25. Indu Bhushan son of Late Baleshwar Prasad Singh resident of Village Dudhaila, P.S. Akbarpur, District Nawada, date of retirement 31.12.2011, as Conductor from Gaya Division, EPF No. not available.
26. Braj Gopal Ram son of Late Shyam Lal Ram resident of Station Road Nawada, P.S. Nawada, District Nawada, date of retirement 2009 as Conductor from Gaya Division.
27. Bimla Devi wife of Late Rajendra Prasad resident of Mohalla Pachhati, P.S. Bodh Gaya, District Gaya, date of retirement of her husband on 30.09.2003, as Conductor from Gaya Division, EPF No. not available.
28. Prema Devi wife of Late Ram Chandra Mistri resident of Mohalla Gewal Bigha, P.S.- Rammpur, District Gaya, date of retirement 31.07.1999, as Artijai B from Gaya Division, EPF No. not available.
29. Shakaldeo Prasad son of Late Prayag Prasad resident of Gewal Bigha, Police Line Road, P.S. Rampur, District Gaya, date of retirement 31.01.2004, as Clerk from Gaya Division, EPF No. not available.



30. Anirudha Kumar Singh son of Late Bishwa Nath Prasad Singh resident of Village Kinjer, P.S. Kinjer, District Arwal, date of retirement 31.03.2001 Conductor from Dhanbad Division, EPF No. not available.
31. Kedar Nath Sharma son of Late Sita Ram Sharma resident of Mohalla Morawal Sindur, Hazaribagh, P.S. Hazaribagh, District Hazaribagh, date of retirement 31.01.2000, as Accountant from Ranchi Division, EPF No. not available.
32. Vijay Shankar Singh son of Late Ram Dahan Singh resident of Mohalla Kadama, P.S. Kadama Dag, District Hazaribagh, date of retirement 31.03.2009, as Conductor from Ranchi Division.
33. Alakhdeo Singh son of Late Chulhan Singh resident of Mohalla Morawal Sridur, Hazaribagh, P.S. Hazaribagh, District- Hazaribagh, date of retirement 31.07.2009, as Conductor from Ranchi Division, EPF No. not available.
34. Raj Kamal son of Late Rajendra Prasad resident of Mohalla Gautam Nagar, P.S. Chandauti, District Gaya, date of retirement 31.10.2011, as Accountant from Head Quarter Patna, EPF No. not available.
35. Barahan Ram son of Late Aditya Ram resident of Village Sahpur, P.S. Belaganj, District Gaya, date of retirement 31.11.2016, as Water man from Gaya Division, EPF No. not available.
36. Nigar Sultana wife of Late Md. Sayeed Ansari resident of Mohalla Chuna Bhatta Gali Karimganj, P.S. Civil Lines, District Gaya, date of retirement of her husband 31.05.2011, as Accountant from Gaya Division, EPF No. not available.
37. Shaukat Ali son of Late Fazlur Rahman resident of Mohalla Marlu Hassan Lane, Karimganj, P.S. Civil Lines, District Gaya, date of retirement 31.05.2010, as Conductor from Gaya Division, EPF No. not available.
38. Md. Khalil Ahmad son of Late Md. Sobrati resident of Mohalla Abgilla Kalal Toli, P.S. Muffasil, District Gaya, date of retirement 30.11.2004, as Conductor from Gaya Division, EPF No. not available.
39. S. Fahimuddin son of Late Md. Najeem resident of Mohalla Karimganj, Nayeem Manzir, P.S. Civil Lines, District Gaya date of retirement 30.09.2010 as a Typist from Gaya Division, EPF no. not available.
40. Nek Mohammad son of Late Ashraf Ali resident of Village Pirsingha, P.S. Chakand, District Gaya, date of retirement 31.07.2008, as Traffic Clerk from Gaya Division, EPF No. not available.
41. Minhajuddin son of Late Israil Mistry resident of Mohalla Karimganj, P.S. Civil Lines, District Gaya, date of retirement 31.12.2008, as Helper from Gaya Division, EPF No. not available.
42. Umesh Kumar Sinha son of Late Ishwar Dayal Sinha resident of Mohalla Brahmani Ghat, P.S. Civil Lines, District Gaya, date of retirement 30.06.1994, as Mechanic A from Gaya Division, EPF No. not available.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Labour and Employment Ministry Government 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 B S R T C Birchand Patel Marg, Patna, Bihar.
8. The Chief Account Officer, B S R T C Birchand Patel Marg, Patna, Bihar.
9. The Regional Provident Fund Commissioner, EPF Office, R. Block Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nand Kishore Prasad Sinha, Advocate
For the UOI	:	Mr. S.D. Sanjay, AD to SG
		Mr. Kumar Priya Ranjan, CGC
For the State	:	Mr. Kumar Samarjeet Singh, AC to SC-21
For the BSRTC	:	Mr. P.K. Verma, Sr. Advocate
		MR. Jainandan Kr. Sinha, Advocate
For the EPFO		Mr. Prashant Sinha, Advocate

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 19-04-2019

Heard learned counsel for the petitioners, Union of India, State, BSRTC as well as the learned counsel for the EPFO.

2. Learned counsel for the Union of India is representing respondent no. 1 and 2.

3. Learned Central Provident Fund Commissioner is representing respondent no. 3 and 9.

4. Learned counsel for the State of Bihar is representing respondent no. 4 and 5.

5. Learned counsel for the Bihar State Road Transport Corporation is representing respondent no. 6 to 8.



6. Learned counsel appearing on behalf of the respondent no. 1 and 2 submits that they have no role to play as the petitioners were employees of the Bihar State Road Transport Corporation and have been impleaded as formal party. As such the name of respondent no. 1 and 2 may be expunged.

7. Learned counsel for the Central Provident Fund Commissioner submits that the respondent no. 3 has no role to play as processing has to be made at the level of respondent no. 9. Hence, the name of respondent no. 3 may be expunged.

8. Considering the submissions of the counsels the name of respondent no. 1,2 and 3 in the array of respondents are expunged.

9. Learned counsel for the petitioner submits that they have not secured payment of amount deducted from the salary by the respondent no. 6 to 8 which also carries statutory interest and also certain deductions made by the respondent no. 9 till 1988 which they are entitled to receive.

10. Learned counsel appearing on behalf of the respondent no. 6 to 8 and 9 submits that for seeking any withdrawal of the payment of pension, a prescribed proforma has to be filled by the persons claiming such payment of deductions



made from the salary. Unless the said proforma is filled, no process for payment can be initiated.

11. Learned counsel for the petitioners submits that they would fill up the proforma for payment of the deducted amount before the respondent no. 6 to 8 and 9.

12. Considering the nature of claim made by the petitioners, each of the petitioners individually would fill up the prescribed proforma either before the respondent no. 6 to 8 or 9. The authorities would look into the matter and verify it from the records, whatever, amount is payable to each of the petitioners which would be paid along with statutory interest in accordance with law within a period of four months from the date of filing/completing the formalities by the petitioners. Writ application stands disposed of, accordingly.

(Nilu Agrawal, J)

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

